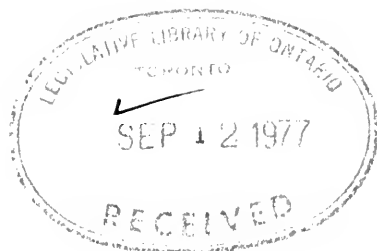


Out
Bills
(South
counter)



LEGISLATIVE ASSEMBLY
OF ONTARIO
FOURTH SESSION OF THE THIRTIETH
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH
REPRINTS AND THIRD READINGS

SESSION

MARCH 29th, 1977 to APRIL 29th, 1977
ASSEMBLY DISSOLVED 29th APRIL, 1977



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4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting the Trustees of
the Toronto General Burying Grounds**

MR. DREA

BILL Pr2

1977

An Act respecting the Trustees of the Toronto General Burying Grounds

WHEREAS the Trustees of the Toronto General Burying ^{Preamble}
Grounds hereby represents that it is a body corporate
empowered by *The Toronto General Burying Grounds Act*,
1925, being chapter 132, and *The Toronto General Burying*
Grounds Act, 1968, being chapter 178, to acquire and hold
lands for its purposes within the former County of York,
the former Township of Pickering in the former County of
Ontario and the former Town of Mississauga and the former
Township of Toronto Gore in the former County of Peel;
that because of the expansion of the metropolitan area of
Toronto beyond the limits of the former County of York,
the former Township of Pickering, the former Town of
Mississauga and the former Township of Toronto Gore,
lands beyond these limits may be required for such purposes;
and whereas the applicant hereby applies for special legis-
lation relating thereto; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Trustees of the Toronto General Burying Grounds <sup>Power to
acquire
lands</sup>
may, in addition to its existing powers to acquire and hold
land, acquire and hold lands within the limits of The Regional
Municipality of Durham, The Regional Municipality of
Halton and The Regional Municipality of Peel and may
exercise all its corporate powers with reference thereto.
2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.
3. This Act may be cited as *The Toronto General Burying* ^{Short title}
Grounds Act, 1977.

An Act respecting
the Trustees of the Toronto General
Burying Grounds

1st Reading

2nd Reading

3rd Reading

MR. DREA

(Private Bill)

BILL Pr2

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Trustees of the Toronto General Burying Grounds

MR. DREA

BILL Pr2

1977

An Act respecting the Trustees of the Toronto General Burying Grounds

WHEREAS the Trustees of the Toronto General Burying ^{Preamble}
Grounds hereby represents that it is a body corporate
empowered by *The Toronto General Burying Grounds Act,*
1925, being chapter 132, and *The Toronto General Burying*
Grounds Act, 1968, being chapter 178, to acquire and hold
lands for its purposes within the former County of York,
the former Township of Pickering in the former County of
Ontario and the former Town of Mississauga and the former
Township of Toronto Gore in the former County of Peel;
that because of the expansion of the metropolitan area of
Toronto beyond the limits of the former County of York,
the former Township of Pickering, the former Town of
Mississauga and the former Township of Toronto Gore,
lands beyond these limits may be required for such purposes;
and whereas the applicant hereby applies for special legis-
lation relating thereto; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The Trustees of the Toronto General Burying Grounds <sup>Power to
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may, in addition to its existing powers to acquire and hold
land, acquire and hold lands within the limits of The Regional
Municipality of Durham, The Regional Municipality of
Halton and The Regional Municipality of Peel and may
exercise all its corporate powers with reference thereto.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

3. This Act may be cited as *The Toronto General Burying* ^{Short title}
Grounds Act, 1977.

An Act respecting
the Trustees of the Toronto General
Burying Grounds

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. DREA

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Township of Dover

MR. SPENCE

BILL Pr3

1977

An Act respecting the Township of Dover

WHEREAS The Corporation of the Township of Dover, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matter hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. Notwithstanding *The Drainage Act*, being chapter 136 By-law
authorizing
emergency
drain
repairs
validated
1975, c. 79
 of the Revised Statutes of Ontario, 1970, and *The Drainage
 Act, 1975*, By-law No. 76-48 of the Corporation, set forth in
 Schedule A hereto, passed by the council of the Corporation
 on the 27th day of September, 1976, authorizing emergency
 repairs done by the Corporation to embankments along the
 River Thames, McFarlane Relief Drain, Rivard Drain,
 Toulouse Drain, Myers Drain, Hebert Drain, Boyle Drain,
 Gowrie Drain, Hind Relief Drain, Hind Outlet Drain,
 Richmond Cut, Raymond Drain, Fryer Drain and Branch,
 River Chenal Ecarte, Easterly side of Lake St. Clair, and
 Southerly side of River Sydenham, in the Township of Dover,
 in the County of Kent and for levying in one year the sum of
 \$53,200 the portion of the cost of the drainage work to be
 contributed by the Corporation, is hereby declared to be valid,
 in full force and effect and binding upon the Corporation and
 its respective ratepayers in accordance with the provisions
 thereof.

2. This Act comes into force on the day it receives Royal Commence-
ment
 Assent.

3. This Act may be cited as *The Township of Dover Act*, Short title
 1977.

Schedule A

BY-LAW NO. 76-48

A BY-LAW to PROVIDE for the Emergency Repairs to Embankments along the River Thames, McFarlane Relief Drain, Rivard Drain, Toulouse Drain, Myers Drain, Hebert Drain, Boyle Drain, Gowrie Drain, Hind Relief Drain, Hind Outlet Drain, Richmond Cut, Raymond Drain, Fryer Drain and Branch, River Chenai Ecarte, Easterly side of Lake St. Clair, and Southerly side of River Sydenham in the Township of Dover, in the County of Kent, and for levying in one year the sum of \$53,200.00 the proportion to be contributed by the Municipality for completing the drainage works.

WHEREAS an emergency situation occurred

AND WHEREAS, the Council caused emergency repairs to be conducted on various dykes,

AND WHEREAS, the Council has procured a report made by D. D. McGeorge, Esq., Civil Engineer and the report is as follows:

To the Reeve and Council
of the Township of Dover.

Gentlemen:

In accordance with instructions, I have made an examination of banks along the McFarlane Relief Drain, the Rivard Drain, the Gowrie Drain, the Toulouse Drain, the Myers Drain, the Boyle drain, the Hind Relief Drain, Richmond Cut, the Hind Outlet Drain, River Thames, the Fryer Drain and number one branch, the Little Bear Creek Drain banks along the southerly side of the Chenal Ecarte, the southerly side of the River Sydenham, and banks along the easterly side of Lake St. Clair which form protection for the low lying lands comprised in a number of pumping schemes (the Bechard Mechanical Works, Big Pointe Pumping Works Numbers 1 and 2, the Bradley Pumping Works, the Cadotte South Pumping Works, the Crawford Pumping Works, the Dewar Pumping Works, the 11th Concession Pumping Works, Front Concession Mechanical Works, Justin Griffore Pumping Works, Letourneau Pumping Works, Myers Pumping Works, the 9th Concession Pumping Works, Raymond Pumping Works, the Rose Pumping Works, the Stephenson Pumping Works, the Terry Pumping Works, the Toulouse Pumping Works, the 12th Concession Pumping Works and the Verhaege Pumping Works) situated along the westerly side of the Township between the River Thames and the River Sydenham. Due to high water levels in Lake St. Clair that has been occurring since 1973 it was necessary to carry out emergency repairs and improvements to these banks to protect said pumping schemes. In many instances where low lying lands were threatened, it was necessary to raise embankments and strengthen same on a temporary basis to prevent widespread flooding. The work carried out and expenditures in connection therewith may be summarized as follows:

1. McFarlane Relief Drain Embankment

Raising the existing embankment, on the northeasterly and northwesterly sides of the drain from a point approximately 1000 feet northwest of the pumping plant of the Stephenson Pumping Works, to a point near the line between Lots 2 and 3, along the northerly

Pr3

side of the drain from a point approximately 300 feet southeast of the 5th Concession Road to the 4th Concession Road, from the 4th Concession Road to the Jacob Road and on the southerly side of the drain from a point approximately 1500 feet west of the 4th Concession Road to the Jacob Road, providing rip rap protection along the southerly embankment from the northwesterly side of the 4th Concession Road westerly for a length of 150 lineal feet; raising low areas and constructing a new embankment on the northerly side of the Drain from the Jacob Road to a point 400 feet easterly of the Crow Road and along the southerly side of the drain from the easterly limit of the Jacob Road to the westerly side of the Crow Road including installation of flood gates on all pipes entering the drain through the embankments and renewing a pipe and gate on the northerly embankment on Lot 5, Front Concession were completed. \$ 31,014.99

2. Rivard Drain Embankment and Northerly Extension (Rivard - Toulouse)

The embankment on the southerly and southwesterly side of the Rivard Drain was elevated and rebuilt from the 5th Concession Road to the 7th Concession Road and from the southwesterly side of the Jacob Road to the Townline of east and west Dover. A new embankment to be known as the Rivard - Toulouse Embankment was constructed along the northerly side of the Rivard Drain from a point 900' west of the said Townline Road and along the easterly side of Lake St. Clair to the existing dyke at the limit between the northwesterly and southeasterly halves of Lot 1, Concession 8 a length of 3600 lineal feet. Due to subsequent storms on Lake St. Clair it was necessary to reconstruct and repair the latter embankment, which additional cost is included herein. 64,906.18

3. Toulouse Drain and Embankment and Pumping Works

The concrete dam at the pumping plant of the Toulouse Pumping Works was temporarily elevated and the embankments along the northerly side of the Toulouse Drain and the easterly side of Lake St. Clair from said pumping plant to a point approximately 700 lineal feet south of the 9th Concession Road and along the line between the northwesterly and southeasterly

Pr3

halves of Lots 1 and 2, Concession 8 east of the pumping plant were elevated and reconstructed

12,733.53

4. Gowrie Drain Embankments

The embankments were reconstructed and elevated along the northwesterly side of the Gowrie Drain from the northeasterly side of the Jacob Road to the centre of Lot 7 and along the southeast side of the Gowrie Drain from the northeasterly side of the Jacob Road to a point near the centre line of Lot 10.

11,600.49

5. Myers Drain Embankment

The embankment along the southeasterly side of the drain southwest of the pumping plant of the 9th Concession Pumping Works was rebuilt and elevated

4,591.58

6. Lakefront or Big Pointe Pumping Works No. 2 Embankment

The embankment was elevated and reconstructed along the easterly side of Lake St. Clair from the outlet of the Myers Drain near the northwesterly side of the Road Allowance between Concessions 9 and 10 extending northerly on Lots 2, 3 and Part of 4 to the embankment on the southeasterly side of the Hebert Drain near the westerly angle of Lot 4, Concession 9.

13,481.75

7. Letourneau Pumping Works Embankment

The embankment near the line between Lots 4 and 5, Concession 10 from the Hebert Drain northwesterly for a length of approximately 100 lineal feet was rebuilt to protect the pumping plant that was washed out.

3,013.64

8. Boyle Drain Embankment

The embankment on the northerly side of the Boyle Drain from a point in Lot 7, Concession 10, 1650 feet northwest of the 10th Concession Road westerly to the site of the pump station (Big Pointe Pumping Works Number 1) was elevated.

2,860.81

9. The Hind Relief, Hind Outlet Drain and 12th Concession Pumping Works Embankments

The work comprised reconstructing and elevating the embankments on the southeasterly side of the Hind Relief Drain across Lots 7, 8 and 9 and the embankment near the line between Lots 7 and 8

from the Hind Relief Drain to the 10th Concession Road, the embankment on the northwesterly side of the Hind Relief Drain across Lot 8 and 100' south west to a point 100' northeast of the Winterline Road, along the northeasterly side of the Richmond Cut, along the private cut 100' north of North Street (R. P. 409), along the southwesterly side of Richmond Road, along the southeasterly side of the Hind Outlet Drain from the Richmond Road to the line between Lots 8 and 9, along the line between Lots 8 and 9 and 10 and 11 from the Hind Outlet Drain to the Hind Relief Drain including establishing two pumping plants on Lot 8, Concession 10 near the south corner of Lot 24, Registered Plan 409. 48,749.32

10. Raymond Drain and Pumping Works Embankment

The embankment at the easterly end of the open channel outlet of the Raymond Pump (near the southwesterly side of Park Street) and along the northwesterly side of the Raymond Drain from the pumping plant southwesterly for a length of approximately 170 lineal feet and northwesterly for a length of approximately 180 feet to a point near the southeasterly side of the 13th Concession Road was elevated. 2,975.27

11. Fryer Drain and No. 1 Branch Embankments

Embankments along the southeasterly side of the drains were elevated and reconstructed across the southwesterly 600' of Lot 14, Lot 15 and the southwest half of Lot 16. Embankments were constructed on the southeasterly side of the drain across the northeasterly half of Lot 17 and along the northeasterly side of the centreline of Lot 17 from the No. 1 Branch of Fryer Drain southeasterly for approximately 500 lineal feet including renewal of pipe and gate on Lot 14. 8,850.05

12. Verhaege and Justin Griffere Pumping Works Embankments

The embankment along the line between Lot 14 and 15 from the Fryer Drain northwesterly to an embankment near the line of the Northwest $\frac{1}{2}$ and Southeast $\frac{1}{2}$ Lot 15, Concession 15 and northeasterly along said line between halves and northwesterly near the line of Lots 15 and 16 to a point near the southeasterly side of the Chenal Ecarte and along the southeasterly side of the Chenal Ecarte to a point near the centre line of Lot 17 was reconstructed and elevated. 7,323.66

13. Little Bear Creek Drain

The embankment along the northeasterly side of Little Bear Creek Drain in front of the Rose Pumping Station was elevated from points approximately 100' south and 100' north of said pump station.

3,086.68

14. Fraser Pumping Works

The embankment on the southerly side of the River Sydenham and River Chenal Bearte was reconstructed and elevated from a point approximately 1000 feet north of the pumping plant of the Fraser Pumping Works to the northeasterly limit of the westerly 100 acres of Lot 3, Concession 18.

12,534.47

15. Rabideau Pumping Works

The embankment along the southeasterly side of the River Sydenham was reconstructed from approximately 500' east of the pumping plant to the line between Lots 3 and 4, Concession 18.

16,243.56

16. Bradley Pumping Works Embankment

The embankment in front of the pumping plant near the line between Lots 12 and 13, Dover West and on the northeasterly side of the Dechard Cut which was washed out was rebuilt.

685.62

17. Dolson Creek Mechanical Works Embankment

The earthen dykes on the discharge flume of the pumping plant of the Dolson Creek Mechanical Work were badly eroded and were temporarily repaired.

377.88

18. Front Concession Mechanical Works Embankment

The earthen dykes on the discharge flume of the pumping plant of the Front Concession Mechanical Works (on the northerly side of the River Thames) were badly eroded and were temporarily repaired.

936.61

19. Embankment along 4th Concession Road, Dover West - Myers Pumping Works

The embankment along the road bed of the 4th Concession Road of Dover West was elevated from the McFarlane Relief Drain to the line between the East half and West half of Lot 5.

4,583.81

The TOTAL AMOUNT of Expenditures to date is

\$ 251,069.95

This amount includes the sum of \$9,200.00 that has been expended for Engineering. The sum of \$241,869.95 was for the most part for construction and a small amount for incidentals.

My estimate of the additional expenditures are as follows:

To allowances for land used for the Drainage Work underSection 5 of the Drainage Act.

For Lots 7-12 Concession 1 DW (Bradley Farms Ltd)	1.00
For All ex. pts Lot 5, Concession 1 DW (Bradley Farms Ltd)	1.00
For Part Lot 1, Concession 5 DW (St. Lukes Club Corporation)	1.00
For Lot 2 Concession 1 (M. Jubenville)	1.00
For SW $\frac{1}{2}$ Lot 4, Concession 1 (W. Antaya)	1.00
For Central part SW $\frac{1}{2}$ S of McFarlane Drain Lot 4, Con. 1 (R. Bagnall)	1.00
For NE pt of SW $\frac{1}{2}$ S of McFarlane Drain Lot 4, Con. 1 (M. Jubenville)	1.00
For SW pt NE $\frac{1}{2}$ S of McFarlane Drain and SW pt S. R. Road Lot 4, Con. 1 (J.H. Crow Est.)	1.00
For NE pt NE $\frac{1}{2}$ S of McFarlane Drain Lot 4, Con. 1 (R. Peltier)	1.00
For NE pt N of McFarlane Relief Drain, Lot 4, Con. 1 (L. Jubenville)	1.00
For SW Cor. N. of McFarlane Relief Drain, Lot 5, Con. 1 (L. Jubenville)	1.00
For SW $\frac{1}{2}$ SE of McFarlane Relief Drain ex pts Lot 5, Con. 1 (M & J Caron)	1.00
For SW pt NE $\frac{1}{2}$ S McFarlane Relief Drain Lot 5, Con. 1 (W. Crow)	1.00
For NE pt NE $\frac{1}{2}$ S McFarlane Relief Drain Lot 5, Con. 1 (R. Peltier)	1.00
For NE pt N McFarlane Relief Drain Lot 5, Con. 1 (L. Jubenville)	1.00
For central part N McFarlane Relief Drain Lot 5, Con. 1 (K. Pelkey)	1.00
For SW pt N McFarlane Relief Drain Lot 5, Con. 1 (I. Pelkey)	1.00
For SE part NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 6, Con. 1 (W. Trudell)	274.00
For SE $\frac{1}{2}$ SW $\frac{1}{2}$ ex River Road Lot 6, Con. 1 (F. Gervais)	263.00
For NW $\frac{1}{2}$ SW $\frac{1}{2}$ Lot 6, Con. 1 (F. Gervais)	263.00
For NW pt NE $\frac{1}{2}$ NW McFarlane Relief Drain Lot 6, Con. 1 (B & M Trudell)	274.00
For SW pt SW $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7 Con. 1 (R. H. Belanger)	146.00
For NE pt SW $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (G & M Pelkey)	157.00
For all Lot 6 ex SE pt Lot 5 SW pt SW Crow Rd. Lots 6 + 5 PCB (M. Caron)	100.00
For SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (J. J. Abram)	121.00
For NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (P. Vollans)	107.00
For NE pt NE $\frac{1}{2}$ SE McFarlane Relief Drain Lot 7, Con. 1 (R. Belanger)	533.00
For SW 2/3 ex lots, Lot 8, Concession 1 (W. Roy)	690.00
For NW pt NE 1/3 NW McFarlane Relief Drain Lot 8, Con. 1 (R. Caron)	205.00
For NW pt NE 1/3 SE McFarlane Relief Drain Lot 8, Con. 1 (W. Roy)	205.00

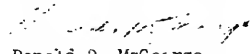
For NE 2/3 ex pt Lot 3, Conc. 4 (A. & Y. Griffore)	1.00
For SE cor NE $\frac{1}{2}$ Lot 3, Con. 4 (M. & D. Castien)	1.00
For SW cor ^S W $\frac{1}{2}$ Lot 4, Con. 4 (S. & R. Jubenville)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 6, Con. 5 (M. Dulisch)	1.00
For NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 6, Con. 5 (R. Pinsonneault)	1.00
For NW pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 7, Con. 5 (C. & E. Couture)	1.00
For NE pt NE $\frac{1}{2}$ NE Given Road Lot 7, Con 5, (H. St. Pierre)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 8, Con. 5, (C. & D. Bechard)	1.00
For NE $\frac{1}{2}$ NW $\frac{1}{2}$ & NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Road Lot 8, Con. 5 (P. Dulisch) Est	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 9, Con. 5 (W. J. & M. Gebal)	1.00
For NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Road Lot 9, Con 5. (W. J. & M. Gebal)	1.00
For NW pt of S $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Lot 10, Con. 5 (W. J. & M. Gebal)	1.00
For NW pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 10 Con. 5 (V. Sterling)	1.00
For NE pt NW $\frac{1}{2}$ Lot 2, Con. 6 (G. Blondeel)	1.00
For NW $\frac{1}{2}$ Lot 3, Con. 6 (G. Blondeel)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4. Con 6 (L. Tetreault)	1.00
For SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4, Con. 6 (J. P. & M. Pinsonneault)	1.00
For NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 4, Con. 6 (G. & K. Mai)	1.00
For NW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 5, Con. 6 (J. & P. Pinsonneault)	1.00
For pts SW RivardDrain Lots 1 & 2 Con 7 St. Lukes Club Corp.	
For NW ex NW pt SE $\frac{1}{2}$ Lot 1, Con. 8 (Edna Hamilton)	1.00
For NW pt SE $\frac{1}{2}$ ex W WCR Lot 1, Con. 8 (W. M. & S. Royer)	1.00
For S pt ex lots Lot 1, Con. 8 (R. & M. Lucier)	1.00
For pts 1, 2, 3, Con. 8 (Big Pointe Club Ltd)	1.00
For SE $\frac{1}{2}$ SW $\frac{1}{2}$ 2, Con. 8, (F. Charron)	1.00
For NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{4}$ ex pts and pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Drain Lot 2, Con 8((D. & A. Lucier)	1.00
For pts 1, 2, 3, & 4, Con. 9 (Big Pointe Club Ltd)	1.00
For S pt N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$ Lot 7, Con 10 (D. Hebert)	
For N 59 $\frac{1}{2}$ Ac ex N 12 $\frac{1}{2}$ Ac. E $\frac{1}{2}$ Lot 7, Con. 10 (Leo Lauzon)	1.00
For pts Lots 3, 4, 5, 6, & 7 Con 11 (Big Pointe Club Ltd)	1.00
For SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 8, Con. 11 (D. & Y. O'Neill)	1.00

For NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 8, Con. 11 (N. L'Ecuver)	1.00
For SW $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 9, Con. 11 (N. L'Ecuver)	1.00
For NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot 9, Con. 11 (R. & N. Cartier)	1.00
For Pt Lots 1, 2, & 4 R. P. 409 (Donald Rakus)	1.00
For NE pt Lot 3, R. P. 409 (J. Bourdeau)	1.00
For pts Lots 1, 2, 3, & 4 R. P. 409 (S & P Vincent)	1.00
For Lots 21, 22, 23, & 24 R. P. 409 (S. Dinsmore)	1.00
For pt ex lots Lot 8, Con. 11 (Bay Lodge Inc.)	1.00
For NE cor NW $\frac{1}{2}$ Lot 8, Con. 11 (L & J Lozon)	1.00
For NW $\frac{1}{2}$ Lot 10, Con. 11 (Howard T. Rex)	1.00
For NW $\frac{1}{2}$ Lot 11, Con. 11 (L, O, D, & M Griffore)	1.00
For SE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 12, Con. 11 (A. Griffore)	1.00
For NW $\frac{1}{2}$ Lot 13, Con. 11 (J & R Demers)	1.00
For pt NW $\frac{1}{2}$ (SW 168' of NE 238' of SE 178.5') Lot 10, Con. 12 (J. M. Moffat Enterprises)	1.00
For pt NW $\frac{1}{2}$ (SW 136.7' of NE 374.17' of SE 245') Lot 10, Con. 12 (J. & M. Van Gerven)	1.00
For pt Lot 10 and p 525 P + i Lot 10, Con. 12 (Kelsey Hayes Can. Ltd)	1.00
For SW $\frac{1}{3}$ SW $\frac{1}{2}$ ex pt Lot 14, Con. 14 (R. Loyst)	1.00
For NE $\frac{2}{3}$ SW $\frac{1}{2}$ Lot 14 Con. 14 (N. L'Ecuver)	1.00
For NW $\frac{1}{2}$ Lot 15, Con. 14 (B. Lewis)	1.00
For SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 16, Con. 14 (Joanne McGrail)	1.00
For NE $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 17, Con. 14 (M. Crawford)	1.00
For NW $\frac{1}{2}$ Lot 18, Con. 14 (M. Crawford)	1.00
For pts Lots 11, 12, 13, 14, Con. 15 (J. C. Gibbs and P. Heftler)	1.00
For SE $\frac{1}{2}$ Lot 15, Con. 15 (O. Verhaege)	1.00
For SW $\frac{1}{2}$ Lot 16, Con. 15 (O. Verhaege)	1.00
For NW pt NE $\frac{1}{2}$ Lot 16, Con. 15 (J. Davidson)	1.00
For NE $\frac{1}{2}$ ex NW pt Lot 16, Con. 15 (Est. of J. Griffore)	1.00
For NW pt SW $\frac{1}{2}$ Lot 17, Con. 15 (J. Davidson)	1.00
For NW pt NW pt NE pt NE Little Bear Creek Lot 20 Con. 15 (O. Boswell)	1.00
For all S. Maxwell Creek and E. Bear Creek Lot 20, Con. 16 (Guaranty Trust Co. of Canada Ltd. National Bank of Detroit Trust & Real Estate)	1.00
For NW pt Lot 19, Con. 17 (G & E Courteaux)	1.00
For Lot 19 and SW pt Lot 19 + 1, Con. 17 (G & E Courteaux)	1.00

For Lot 19 and NW pt Lot 2 Con. 18 (J. Courteaux)	1.00
For NE pt Lot 1, SW pt Lot 2 ex pts Con. 18 (G, J, E, & F. Courteaux)	1.00
For NE pt Lot 2 and SW pt Lot 1 Con. 18 (Dover Farms Ltd)	1.00
For all Lot 4, Con. 18 (Libby McNeil & Libby of Can. Ltd)	1.00
For SW pt NW pt SW $\frac{1}{2}$ NW Given Road and SW Rabideau Drain ex pt Lot 5, Con. 18 (B. W. Hind EST.)	1.00
For SW $\frac{1}{2}$ ex SW pts NW pt NW Given Road and ex pts SE Given Road Lot 5, Con. 18 (G. Rabideau Est)	1.00
ADD FOR	
additional Engineering including survey, report etc.	5,500.00
Letting and superintending	5,000.00
Bylaw, Application to Municipal Board, clerks fees etc.	1,005.05
Making a TOTAL of	<u>\$ 266,000.00</u>

This sum, I assess in the annexed schedule, against the lands and roads liable to assessment under the Drainage Act. The drainage work, herein reported on, shall be maintained at the expense of the lands and roads assessed in said schedule said lands and roads paying on a pro rata basis with the amounts set out in said schedule.

Respectfully submitted,


Donald D. McGeorge
O. L. S., P. Eng.

SCHEDULE OF ASSESSMENT ON LANDS AND ROADS IN THE TOWNSHIP OF DOVER
FOR EMERGENCY REPAIRS TO EMBANKMENTS ALONG THE
RIVER THAMES, MCFARLANE RELIEF DRAIN, RIVARD DRAIN, TOULOUSE DRAIN,
MYERS DRAIN, HERBERT DRAIN, BOYLE DRAIN, GOWRIE DRAIN, HIND RELIEF DRAIN,
HIND OUTLET DRAIN, RICHMOND CUT, RAYMOND DRAIN, FRYER DRAIN AND BRANCH,
RIVER CENTRAL DCAITE, EASTERLY SIDE OF LAKE ST. CLAIR
AND THE SOUTHERLY SIDE OF THE RIVER SYDENHAM

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1 DW	SE part NE $\frac{1}{2}$ ex Lots	lot 1	81	650.00	G. Bagnall
	SW cor SE pt NE $\frac{1}{2}$	lot 1	4.5	25.00	B & A Bagnall
	Pt SE pt NE $\frac{1}{2}$	lot 1 *	.47	5.00	S & B Bennett
	Pt SE pt NE $\frac{1}{2}$	lot 1 *	.60	5.00	L & R. Dubuque
	SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex lot pts 2, 3, & 5 24 R 851	lot 1	77	615.00	J, M, B & J Bagnall
	Pt SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ N.R.Rd.	Lot 1 *	1/3	5.00	J & I Reaume
	NE pt NE $\frac{1}{2}$ SE Dolsen Creek ex lot, NE pt NE $\frac{1}{2}$ NW Dolsen Creek	Lot 2	70	560.00	A & V King
	SE cor NE pt	Lot 2 *	$\frac{1}{2}$	5.00	Pearl Jubenville
	SW pt NE $\frac{1}{2}$ S. Dolsen Creek	Lot 2	44.5	360.00	R. Jubenville
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	99	790.00	Mary Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	93.9	790.00	Donald Reaume
	NE pt NE $\frac{1}{2}$ SE Dolsen Creek	Lot 2	45	360.00	H. Duphette
	SW pt NE $\frac{1}{2}$ SE Main Drain	Lot 2	48.99	390.00	J & E Laevens
	NE pt SW $\frac{1}{2}$ & pt SW pt NE $\frac{1}{2}$ SE old Rivard Drain NW of New River Road	Lot 3	55.75	445.00	Marg Laevens
	Pt NE pt SW $\frac{1}{2}$ SE new R. Rd.	Lot 3	8.33	65.00	J & C Laevens
	SW pt SW $\frac{1}{2}$ & NE pt NE $\frac{1}{2}$	Lot 3 Lot 4	82.14	660.00	V & L Duphette
	SW pt NE $\frac{1}{2}$	Lot 4	62.5	500.00	T & E Jubenville
	NE pt SW $\frac{1}{2}$	Lot 4	62.5	500.00	L. Reaume
	SW pt SW $\frac{1}{2}$	Lot 4	62.5	500.00	W & M Reaume
	All ex 24 R 297	Lot 5	179.57	1440.00	Bradley Farms Ltd.
	SW pt (pt 1 24 R 297)	Lot 5 *	1	15.00	R & J Jubenville
	SW pt (pt 2 24 R 297)	Lot 5 *	2.12	30.00	Clarence Jubenville
	SW pt (pt 3 & 4, 24 R 297)	Lot 5 *	3.75	50.00	Irene Smit
	All	Lot 5	31	248.00	Bradley Farms Ltd.
	NW pt Lot 7, All 8, 9, 10, 11 & 12	Lot 6	1229	5000.00	Bradley Farms Ltd.

SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1 DW	All	Lots 6, 7 & 8	240	1920.00	Bradley Farms Ltd.
	NW pt SE $\frac{1}{2}$	Lot 1	63	500.00	V. Jubenville
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt	Lot 1	35	280.00	Mary E. Jubenville
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt	Lot 1	37.69	300.00	R. Jubenville
	SW $\frac{1}{2}$ NW pt	Lot 1	80	640.00	V. Jubenville
	NW pt NE pt NW Dolson Cr.	Lot 3	40	320.00	V & L Duphette
3 DW	SW pt	Lot 1	71	570.00	Leo Couture
	NE pt & SW pt	Lot 2	112	895.00	Leo Couture
	All	Lot 3	200	1600.00	Leo Couture
	All	Lots 4&5	400	3200.00	Bradley Farms Ltd.
	All	Lot 6	194.39	1555.00	Bradley Farms Ltd.
	NE pt	Lot 1	128.5	1030.00	R. Laprise
	SW pt NE pt	Lot 2	88	705.00	F, E, M & I Pinsonneault
5 DW	Pt	Lot 1	5	50.00	St. Lukes Club Corp.
1	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 1	20	160.00	V. Jubenville
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ ex pt	Lot 1	16.9	135.00	Belleterre Farms Inc.
	pt NE $\frac{1}{2}$ SW2 - 1 24 R 636	Lot 1 *	1/3	5.00	V.A, S & L Marchand
	SW pt NE $\frac{1}{2}$	Lot 1	20.7	165.00	Belleterre Farms Inc.
	NE pt NE $\frac{1}{2}$	Lot 1	17	135.00	V & R Jubenville
	SW cor	Lot 2 *	1	10.00	L & A Stevenson
	All ex SW cor	Lot 2	120	960.00	Mary Jubenville
	SW pt SW pt	Lot 3	59.75	480.00	D & L Johnston
	NE 89', SW 540' N.R.Rd.	Lot 3	.25	5.00	R & M Cook
	NE 236', SW 798.4 N.R.Rd.	Lot 3	.80	10.00	H. Goudreau
	NE pt SW pt	Lot 3	32.6	260.00	L. Jubenville
	NE 154' SW 908.5' N.R.Rd.	Lot 3 *	.40	5.00	D & P LaMarsh
	SW $\frac{1}{2}$ NE pt	Lot 3	66	530.00	I & K Pelkey
	NE $\frac{1}{2}$ NE pt	Lot 3	66	530.00	Wm. Antaya
	SW pt SW $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	26.75	215.00	Wm. Antaya
	Ct. Pt SW $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	46	370.00	R. Bagnall
	Pr3				

SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1	NE pt SW $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	44	350.00	Mary E. Jubenville
	SW pt NE $\frac{1}{2}$ S. McFarlane Dr.				
	SW pt S. R. Rd.	Lot 4	76.87	615.00	H. Crow Estate
	NE pt NE $\frac{1}{2}$ S. McFarlane Dr.	Lot 4	42	335.00	R. Peltier
	SW pt Pt 1, 24 R 644	Lot 5 *	.50	5.00	L. Reaume
	SW $\frac{1}{2}$ SE McFarlane Dr. ex pts	Lot 5	115.25	920.00	M. E. & J/M. Caron
	SE pt SW $\frac{1}{2}$ SE R. Rd.	Lot 5 *	$\frac{1}{4}$	5.00	Anne Vandersluis
	SE pt SW $\frac{1}{2}$ N $\frac{1}{2}$ R. Rd.	Lot 5 *	$\frac{1}{4}$	5.00	H. Desa
	SW pt NE $\frac{1}{2}$ S. McFarlane Dr.	Lot 5	49	390.00	H. Crow Estate
	NE pt NE $\frac{1}{2}$ S. McFarlane Dr.	Lot 5	40	320.00	R. Peltier
	NE pt N. McFarlane Dr.	Lot 5	31.8	255.00	L. Jubenville
	Ct. pt N. McFarlane Dr.	Lot 5	26	210.00	K. Pelkey
	SW pt N. McFarlane Dr.	Lot 5	31	250.00	I. Pelkey
	NE pt N. McFarlane Dr.	Lot 4	24	190.00	L. Jubenville
	SW cor N. McFarlane Dr.	Lot 4 *	$\frac{1}{4}$	5.00	L. Jubenville
4	SW pt SW $\frac{1}{2}$ NW Drain	Lot 1	73.62	590.00	J & L Johnston
	SW pt SW $\frac{1}{2}$ SE Drain	Lot 1	6.23	50.00	V. Jubenville
	NE pt SW $\frac{1}{2}$	Lot 1	25.86	205.00	Belleterre Farms Inc.
	SW pt NE $\frac{1}{2}$	Lot 1	60.477	485.00	Belleterre Farms Inc.
	NE pt NE $\frac{1}{2}$	Lot 1	44	350.00	V. Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	25	200.00	H. Duphette
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ & NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 2	75	600.00	H. Duphette & D.V.A.
	SW $\frac{1}{2}$ NE $\frac{1}{2}$	Lot 2	50	400.00	V & L Duphette
	NE $\frac{1}{2}$ NE $\frac{1}{2}$	Lot 2	50	400.00	F. Gervais
	SW 1/3	Lot 3	66.66	535.00	M. Koekuyt
	NE 2/3 ex pt	Lot 3	133	1065.00	A & Y Griffore
	NE cor NE $\frac{1}{2}$	Lot 3	$\frac{1}{2}$	10.00	M & D Castein
	SE cor	Lot 3			
	SW cor	Lot 4 *	$\frac{1}{4}$	5.00	S & R Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ ex pt	Lot 4	49.75	400.00	D. Ouellette
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 4	50	400.00	F. Ouellette
	NE $\frac{1}{2}$	Lot 4	100	800.00	L & M Jubenville
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 5	50	400.00	E & F. Carron

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
4	NE $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 5	50	400.00	G. Ouellette
	NE $\frac{1}{2}$	Lot 5	100	800.00	A St. Pierre
5	NW pt SE $\frac{1}{2}$ N. Stephenson Dr.	Lot 1	54	430.00	Romeo Pinsonneault
	SE pt SE $\frac{1}{2}$ S. Stephenson Dr.	Lot 1	42.173	335.00	R & T Pinsonneault
	SE $\frac{1}{2}$	Lot 2	97.917	784.00	Rosaire Pinsonneault
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	25	200.00	G. Delrue
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	25	200.00	E. Delrue
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	50	400.00	L & M Jubenville
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	L. Jubenville
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	R & T Pinsonneault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	A. St. Pierre
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	J P Pinsonneault
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1	50	400.00	V & L Duphette
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1	50	400.00	M & M Klinard
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 2	50	400.00	M & M Roth
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 2	50	400.00	J & F Roth
	NW $\frac{1}{2}$	Lot 3	100	800.00	J P Pinsonneault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 3	50	400.00	R. Pinsonneault
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4	50	400.00	A & J St. Pierre
	NW $\frac{1}{2}$	Lot 5	100	800.00	A. St. Pierre
1	SE $\frac{1}{2}$ SW $\frac{1}{2}$ ex Fiver Road	Lot 6	48.6	390.00	F. Gervais
	NW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 6	49.7	400.00	F. Gervais
	Pt 1 24 R 210	Lot 6 *	1/3	5.00	R & C De Hondt
	SE pt NE $\frac{1}{2}$ SE McFarlane Dr.	Lot 6	74	590.00	Wm. Trudell
	SW pt SW $\frac{1}{2}$	Lot 7	49.5	395.00	R. Belanger
	NE pt SW $\frac{1}{2}$ SE McFarlane Dr.	Lot 7	37	295.00	G & M Pelkey
	Pt NE pt SW $\frac{1}{2}$ NW McFarlane Dr.	Lot 7	15	120.00	A Trudell
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	Lot 7	30	240.00	J & J Abram
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	Lot 7	29.5	235.00	P Vollars
	NE pt NE $\frac{1}{2}$ NW McFarlane Dr.	Lot 7	27	215.00	R H Belanger
	SW 2/3 NW River Rd.	Lot 8	130	1040.00	Belleterre Farm Inc.

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
1	SE pt NE 1/3 ex pt	Lot 8	7.4	40.00	B & T Charlebois
	NW pt NE 1/3 SE McFarlane Dr.	Lot 8	42	335.00	Belleterre Farms Inc.
	NW pt NE 1/2 NW McFarlane Dr.	Lot 6	24	195.00	B & M Trudell
PCB	Pt 1 RD 139	Pt Lot 15*	3/4	10.00	R E Marlatt
	SW pt ex RD 139	Pt Lot 15	29.43	235.00	B & M Trudell
	NE pt Lot 15 & 14	Lot 14 & 15	62	310.00	B & M Trudell
	All	Lot 13 & 12	40	200.00	A. Trudell
	All	Lots 11, 10 & 9	61.5	300.00	H. Belanger
	SW 1/2	Lot 8	28.5	140.00	R. H. Belanger
	NE 1/2	Lot 8	27	100.00	R. Bourassa
4	SW 1/2 SW 1/2	Lot 6	50	400.00	Edna Peltier
	NE 1/2 SW 1/2	Lot 6	50	400.00	Clarissa Peltier
	SW 100' SW 1/2 NE 1/2	Lot 6 *	1/2	10.00	F & R Jubenville
	SW 1/2 NE 1/2 ex pt	Lot 6	49.5	395.00	V. King
	NE 1/2 NE 1/2	Lot 6	50	400.00	F & N Trudell
	SW pt SW 1/2	Lot 7	40	320.00	J. Rapsburg
	NE pt SW 1/2	Lot 7	40	320.00	G & G Kestelyn
	SW pt NE 1/2 & pt NE pt SW 1/2	Lot 7	80	640.00	R & C Bossy
	NE pt & NE 1/2	Lot 7	40	320.00	R & C Pinsonneault
	SW 1/2 SW 1/2 ex pt	Lot 8	49.483	395.00	R & C Pinsonneault
	pt SW 1/2 SW 1/2 ex pt	Lot 8 *	1/2	10.00	D & B Johnston
	pt NE 1/2 SW 1/2	Lot 8 *	1/3	5.00	C Couture
	NE 1/2 SW 1/2 ex pt	Lot 8	49.660	395.00	A. Couture
	SW 1/2 NE 1/2	Lot 8	50	400.00	B. C. Bechard
	NE 1/2 NE 1/2	Lot 8	50	400.00	I. Bourassa
	SW 1/2 SW 1/2	Lot 9	50	400.00	E. King
	NE 1/2 SW 1/2	Lot 9	50	400.00	F & M Pinsonneault
	SW 1/2 NE 1/2	Lot 9	50	400.00	R, C, F & M Pinsonneault
	NE 1/2 NE 1/2	Lot 9	50	400.00	E & R King
	SW 1/2 SW 1/2 ex SE cor	Lot 10	48	380.00	F & J Rapsburg
	NE 1/2 SW 1/2	Lot 10	50	350.00	A Caron

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
4	SW $\frac{1}{2}$	Lot 11	100	650.00	R & C King
	SW pt NE $\frac{1}{2}$ ex pt	Lot 11	71	425.00	R. Pinsonneault
	NE pt NE pt SE pt ex SW cor	Lot 11	13.5	80.00	R & Y Pinsonneault
	NE pt NE pt NW pt	Lot 11	14	85.00	R Pinsonneault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	250.00	R & Y Pinsonneault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12	49.5	240.00	J.M. Caron
	NE $\frac{1}{2}$	Lot 10	100	725.00	E J King
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	50	350.00	R. T. Pinsonneault
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	49	290.00	A Caron
5	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	C & M Lozon
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 7	25	200.00	C & M Lozon
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	23	185.00	A St. Pierre
	W pt SE cor E $\frac{1}{2}$	Lot 7 *	$\frac{1}{2}$	10.00	R & B Couture
	E pt SE cor E $\frac{1}{2}$	Lot 7	1.526	15.00	L. Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Rd.	Lot 7	47	375.00	R. Couture
	SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Rd.	Lot 8	41	325.00	J & B Osuch
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex NW $\frac{1}{2}$ Ac NW Given Rd. & SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	74.25	600.00	H & M Mialczarek
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	25	200.00	H. Couture
	SE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Given Rd.	Lot 9	19.5	155.00	E & E Couture
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	25	200.00	H & M Couture
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SW Given Rd.	Lot 10	63.5	510.00	E & E Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 6	48.74	390.00	C & M Lozon
	Pt 1 RD 145	Lot 6	1.25	15.00	C, R, & R Lozon
	NE pt SE $\frac{1}{2}$ SE Given Rd.	Lot 8	43	345.00	P. Dulisch Estate
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6	50	400.00	M. Dulisch
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 6	49.2	395.00	R. Pinsonneault
	Pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 6	.8	10.00	M & M St. Pierre
	SE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	10	80.00	C Kendall
	NE pt NE $\frac{1}{2}$ NE Given Rd.	Lot 7	53	425.00	H. St. Pierre
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	40	320.00	Cie Couture

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
5	NW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd.	Lot 8	9	72.00	L & L Lozon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	50	400.00	C. Bechard
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ & NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd.		57	455.00	P. Dulisch Estate
	NW cor SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd.	Lot 9*	$\frac{1}{2}$	10.00	M ST. Pierre
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	49	395.00	W, J, & M Gebal
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Given Rd.	Lot 9	30	240.00	W, J, & M Gebal
	NW pt of S $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Rd	Lot 10	19.5	155.00	W, J, & M Gebal
	NE pt W $\frac{1}{2}$ N $\frac{1}{2}$ ex Rd.	Lot 10	11	90.00	W & M Gebal
	Pt S Rd. W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 10	3	25.00	V. & E. Tetrault
	SW Cor W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 10	1	10.00	E. Lozon
	E $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 10	25	200.00	W & M Gebal
	NE pt E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 10	11.75	95.00	W & M Gebal
	S pt W $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Rd.	Lot 10	18.5	145.00	E & E Couture
	SE $\frac{1}{2}$	Lot 11	100	700.00	G & R Pinsonneault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	300.00	R. Pinsonneault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	300.00	O & M Pinsonneault
6	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 1	50	400.00	S & R Derbecker
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 1	49.656	395.00	H & J Klinard
	NW 100' SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 1 *	1/3	5.00	Union Gas Ltd.
	SW 273' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2	.95	10.00	G & A Klein
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 2	65.226	520.00	Belleterre Farms Inc.
	SW 162' NE 476.15 SW pt SE $\frac{1}{2}$	Lot 2 *	.8	10.00	P. Lozon
	Ct. pt. NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2	25	200.00	J & B Osuch
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2			
	SW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	20	160.00	S & P Czarnecki
	NE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 3	68.34	545.00	R & T Pinsonneault
	Pts 1 & 2 RD 206	Lot 3	1.90	15.00	M Klinard
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex E cor	Lot 3	20.6	165.00	J & R Schuster
	E cor NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex E cor	Lot 3 *	1.1	10.00	J & R Schuster
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	J & K Schertzer

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
6	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	J. Pinsonneault
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	H. & J. Klinard
	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	R. & E. Charron
	SW $\frac{1}{2}$	Lot 6	100	800.00	M. Gardiner
	NE $\frac{1}{2}$	Lot 6	100	800.00	H. Dutka
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 7	50	400.00	S. & P. Evans
	SW $\frac{1}{2}$ NE $\frac{1}{2}$	Lot 7	50	400.00	M. Menyes
	NE $\frac{1}{2}$ NE $\frac{1}{2}$	Lot 7	50	400.00	S. & P. Evans
	SW $\frac{1}{2}$	Lot 8	100	800.00	R. & A. L ozon
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8	50	400.00	H. Couture
	SE $\frac{1}{2}$	Lot 9	100	800.00	F. & M. Couture
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	50	400.00	O. Couture
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	12.5	100.00	V. Sterling
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	37.5	300.00	P. & A. Sterling
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	50	400.00	N. & M. Letourneau
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	50	400.00	J. & W. Gebal
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	350.00	B. Carron
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12	48.757	325.00	O. & J. Delrue
	SE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pts	Lot 1	49.46	395.00	Belleterre Farms Inc.
	SE 265.88' NW 529.58' SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1*	1	10.00	G. & M. Emrich
	NW 263.71' SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1	1	10.00	G. & K. Emrich
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 1	50	400.00	F. Pinsonneault
	SW pt NW $\frac{1}{2}$	Lot 2*	10	80.00	Dover Rod and Gun Club
	NE pt NW $\frac{1}{2}$	Lot 2*	90	720.00	G. Blondeel
	NW $\frac{1}{2}$	Lot 3	100	800.00	G. Blondeel
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4	50	400.00	L. Tetreault Est.
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4	25	200.00	J. & M. Pinsonneault
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4	25	200.00	G. & K. Mai
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	50	400.00	J. & M. Pinsonneault

SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
6	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	50	400.00	G & K Mai
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	50	400.00	O. Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	50	400.00	O & D Couture
	SW pt NW $\frac{1}{2}$ SW R pt Rd.	Lot 8	88	705.00	O & B Couture
	NE pt NW $\frac{1}{2}$ NE R pt Rd.	Lot 9	10	80.00	J & M Couture
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	J & M Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	E. Duquette
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	W. Cadotte
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	J. Ouellette
	NW $\frac{1}{2}$	Lot 12	100	700.00	O. Delrue
	NW $\frac{1}{2}$	Lot 13	99.463	600.00	G & E Delrue
7	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	49.32	400.00	A & S Szymanski
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3	50	400.00	A Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	A & B Tetreault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	E Tetreault
	SE $\frac{1}{2}$	Lot 5	100	800.00	E. Tetreault
	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	H. Kestelyn Estate
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	48.84	390.00	S. Flodrowski
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 7	50	400.00	D. Tetreault Estate
	SE $\frac{1}{2}$	Lot 8	99.419	795.00	H. Couture
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	49.417	395.00	P & D Martin
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	Lot 9	23.75	190.00	P & D Martin
	SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	Lot 9	23.203	185.00	R Martin
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	24.423	195.00	R. Martin
	Ct. 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	16.66	135.00	B Mallette
	SW 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	16.467	135.00	B Mallette
	NE 1/3 NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	16.274	135.00	B Mallette
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	49.424	395.00	J,D,J,& A Martin
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	49.423	395.00	A & A Martin
	SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	48.87	340.00	V Martin
	NW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	350.00	A Martin

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
7	Pts SW Rivard Drain	Lts 1 & 2 126.5	1012.00	St. Lukes Club Corp.
	Pts 1 & 2 24 R 639	Lts 1 & 22 2.89	25.00	G & A Klein
	All NE Rivard Drain	Lts 1 & 2 270.405	2165.00	Snake Island Marsh Ltd.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 3 50	400.00	A Tetreault
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 3 24.54	195.00	A Tetreault
	Pt	Lot 3 * $\frac{1}{2}$	10.00	S. Tetreault
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 3 25	200.00	E & C Tetreault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 50	400.00	A & A Tetreault
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 25	200.00	A & A Tetreault
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 4 24.65	195.00	O & L Tetreault
	Pt NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 * .35	5.00	J & D Nissen
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5 49.507	195.00	D & E Laevens
	Pt 1 24 R 1232	Lot 5 * .5	10.00	D. Laevens
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pts	Lot 5 49.4	395.00	C. Couture
	Pt E $\frac{1}{2}$ N $\frac{1}{2}$	Lot 5 * .6	10.00	H. Tetreault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	R & E Charron
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	R. Charron
	NW pt on N $\frac{1}{2}$ W $\frac{1}{2}$	Lot 7 * .35	5.00	L Tetreault Est. & H. Tetreault.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 7 49.75	395.00	O & C Tetreault
	NE $\frac{1}{2}$	Lot 7 100	800.00	F & G Caron
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 25	200.00	C Couture
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 25	200.00	H. Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8 50	400.00	F. Caron
	SW 52' SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 * $\frac{1}{4}$	5.00	V & E Tetreault
	E pt on W $\frac{1}{2}$ N $\frac{1}{2}$ W.B.pt Rd.	Lot 9 * .50	10.00	M & J Marleau
	SE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ NW W.B.pt Rd.	Lot 9 15	120.00	H. Toulouse
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 33	265.00	H. Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9 50	400.00	A & M Martin
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10 75	600.00	H. Ouellette
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10 50	400.00	V & B Maillette
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11 50	400.00	H & C Louagie
	Pr3			

CON.	CON. OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
7	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	W. & B. Hembree
	NW $\frac{1}{2}$	Lot 12	100	700.00	A. & M. St. Pierre
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 15	25	175.00	J. Pinsonneault
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16	45	315.00	Chapple Farms Ltd.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ Lot 17	Lot 17	45	315.00	Chapple Farms Ltd.
8	NW cor Pt SE $\frac{1}{2}$	Lot 1*	3.5	40.00	E. Hamilton
	NW pt SE $\frac{1}{2}$ ex NW cor	Lot 1	2	20.00	W. M. S. Royer
	NE 150' SW 255' SE $\frac{1}{2}$	Lot *	1/3	10.00	P. P. Hamilton
	S pt ex lots S cor	Lot 1	76	760.00	R. & M. Lucier
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2	50	400.00	F. & D. Charron
	SW 100' NE 447.3 SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2*	1/3	10.00	L. & B. Lozon
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts SE Toulouse Drain	Lot 2	22.289	180.00	F. Lucier
	SW 100' NE 255.3 SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2*	1/3	10.00	G. & D. Rabideau
	NE 100' SW 200' NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot *2	Lot *2	1/3	10.00	G. Lucier
	SW 100' NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 2	1/3	10.00	J. & G. Lucier
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts & pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Drain	Lot 2	26.312	210.00	D. & A. Lucier
	NE 100' SW 512' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 3*	.6	10.00	Y. Lucier
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 3	49.4	390.00	F. Lucier
	Pt E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 3*	1/3	10.00	O. Lauzon
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 3	50	400.00	E. & P. Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4	50	400.00	A. Toman
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 4	49.5	395.00	G. Koekuyt
	SW 105' NE 444' NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 4*	.26	10.00	L. & J. Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	C. & M. VanHove
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 5	50	400.00	O. Charron
	W cor SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Toulouse Dr. Lot 6*	Lot 6*	1	15.00	C. & R. Myers
	SW 100' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6*	1/3	10.00	O. & L. Tetreault
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts.	Lot 6	48.75	390.00	G. Blondeel

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
8	NE 325' NE $\frac{1}{2}$ SE $\frac{1}{2}$ (RD 105)	Lot 6 * 1	15.00	W. Myers
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 6 49	390.00	W. Burke
	SE $\frac{1}{2}$	Lot 7 100	800.00	A & M De Baere
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex RD 1059	Lot 8 49.312	395.00	C Couture
	Pt 1 24 R 1059	Lot 8 * 3/4	10.00	R Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ Lot	Lot 8 50	400.00	F & G Caron
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9 50	400.00	H & D Couture
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9 50	400.00	L & M Poissant
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10 50	400.00	M Ouellet
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 10 49.5	395.00	P & D Martin
	NE 150' NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10 * .5	10.00	B. & H. Howard
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex Rd.	Lot 11 48	390.00	H Bechard
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11 50	400.00	O & M Louagie
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12 * 19.66.	350.00	W. & B. Membree
	Pt	Lot 12 * 1/3	10.00	D & I Butler
	Pt	Lot 12 * 2.7	25.00	Caron Grain Ltd.
	SE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12 17.73	120.00	G. Mayers
	SE 1/3 NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts	Lot 12 8.83	60.00	N Roberts
	Pt E Cor S10 acrs. N 30 Ac E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 12 2/3	10.00	G & A Lozon
	Pt N cor S 10Ac N 30 Ac E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 12 .50	10.00	N Roberts
	NW 2/3 NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 19.797	160.00	H Bagnall
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt SW Boyle Dr.	Lot 13 48.6	200.00	H Bagnall
	NW $\frac{1}{2}$	Lots 1, 2 & 3 290	2320.00	Big Pointe Club Ltd.
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 50	400.00	C Lauzon
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 4 50	400.00	John Roberts et al
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5 25	200.00	John Roberts et al
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5 75	600.00	O & T Lauzon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	O Lozon
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 6 50	400.00	L & J Tetreault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7 50	400.00	A Labadie

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
8	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	50	400.00	P Pinsonneault
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 8	24	195.00	P Pinsonneault
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & pt SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	26	205.00	P Pinsonneault
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	50	400.00	P Pinsonneault
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	50	400.00	H & L Ouellette
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	50	400.00	L Bourgeois Estate
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	D Sylvain
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	D Sylvain
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Boyle Drain	Lot 11	60	480.00	L Ouellette
	NW pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt NW Boyle Drain	Lot 11	12.5	100.00	J & B Robinson
	NE 260' SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	2.46	25.00	R & M Drow
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	25	200.00	V Mallette
	NW cor W $\frac{1}{2}$ N $\frac{1}{2}$	Lot 12 *	1	10.00	H Sylvain
	Pt on W $\frac{1}{2}$ N $\frac{1}{2}$	Lot 12 *	.40	5.00	G & T Gagnon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 12	48	335.00	N & A Benoit
RP 594 Lots		26 & 27 *	3/5	10.00	L & J Brown
	Lots	28 *	1/3	5.00	J & K Butler
	Lots	29 *	1/3	5.00	L & A Ouellette
RP 594 All & 587		Lot 25 *	1.2	10.00	Twp. of Dover
	All	Lot 24 *	1/3	5.00	A & B Daniel
	All	Lot 23 *	.17	5.00	J & V Belanger
	All	Lot 22 *	.2	5.00	L Perreault
	NW pt	Lot 30 *	.21	5.00	W & Y Robb
	pt	Lot 30 *	.22	5.00	L & J Benoit
		Lot 21 *	.18	5.00	L & V Emery
	All	Lot 20 *	.32	5.00	J. Benoit
		Lot 19 *	.15	5.00	N & A Benoit
8	Pt Lot ex pts	Lot 12	16.61	115.00	N & A Benoit
		Lot 18 *	.18	5.00	R & L Dulong
		Lot 17 *	.19	5.00	C & E Emery

SCHEDULE (con't)

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER	
RP 587	Lot 16 *	.18	5.00	D. Alexander	
	Lot 15 *	.18	5.00	S & C Trahan	
	Lot 14 *	.21	5.00	E Demers	
	Lot 13 *	.17	5.00	R & D Lozon	
RP 587 & 594	Lot 31 & 13 *	1/3	5.00	J Koekuyt	
RP 594	Lot 32 *	1/3	5.00	R & R Myers	
RP 587 SE pt Lot 11 & pt 4 24 R 960	*	$\frac{1}{2}$	5.00	D & A Benoit	
RP 594 Block B & pt Drain	*	$\frac{1}{2}$	5.00	S & J Laprise	
RP 587 Pt Lot 11 & 12	*	$\frac{1}{2}$	5.00	A Demers	
8	SE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	25	175.00	R Normandin
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	25	125.00	J L Pinsonneault
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	50	300.00	R & G DeDecker
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 15	25	150.00	O Lucier
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 15	50	300.00	H Marchand
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16	50	300.00	A & B Faubert
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16	50	300.00	H James
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 17	25	150.00	L Harris
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 17	20	120.00	R Harris
	NW $\frac{1}{2}$ ex pt	Lot 16	99.5	590.00	D Cadotte
	NE 136.25' SW 521.25 NW $\frac{1}{2}$	Lot 16 *	$\frac{1}{2}$	10.00	G Cadotte
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 17	40	250.00	M & G Devolder
9	Pt	Lots 1,2,3 & 4	337	2700.00	Dig Pointe Club Ltd.
	SE $\frac{1}{2}$	Lot 5	100	800.00	O & T Lozon
	SW $\frac{1}{2}$	Lot 6	100	800.00	R & J L'Ecuyer
	NE $\frac{1}{2}$	Lot 6	100	800.00	R & H Cartier
	Pt 1 RD 94	S $\frac{1}{2}$ W $\frac{1}{2}$ Lot 7 *	1	10.00	J Grifford
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	24	190.00	B Griffore
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	24.6	195.00	A & G Bechard
	Pt	Lot 7 *	.4	10.00	R Bechard
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 7	25	200.00	B Griffore
	SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 7	24	190.00	A Labadie
Pr3					

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
9	Pt on S $\frac{1}{2}$ E $\frac{1}{2}$ S $\frac{1}{2}$	Lot 7 *	1	10.00	A Labadie
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 8	48.5	390.00	L & L Emery
	NE 181.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8 *	1 $\frac{1}{2}$	15.00	H Toulouse
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 8	48	390.00	S & M Letourneau
	SW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 9	23	185.00	E Brown
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 9	22.66	185.00	L Ouellette
	NE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	Lot 9	47	375.00	L Caron
	NE 80' NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9 *	1/3	10.00	C & P Brady
	Pt SW $\frac{1}{2}$ pt 1 24 R 1023	Lot 9 *	.9	15.00	J & J Graham
	SW $\frac{1}{2}$ ex pts	Lot 10	96.58	775.00	E & V Emery
	SE pt SW $\frac{1}{2}$	Lot 10*	2.5	20.00	R C Corporation
	Pt SW cor E $\frac{1}{2}$	Lot 10	2	15.00	D Sylvain
	S $\frac{1}{2}$ E $\frac{1}{2}$ ex Church Lands	Lot 10	45.5	365.00	L & C Roelans
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	Lot 11	50	400.00	A Bourgeois
	SW 264' NE 3/4 SE $\frac{1}{2}$	Lot 11	7.5	60.00	M & S Gagner
	SE $\frac{1}{2}$ NE 3/4 ex pt	Lot 11	69	550.00	O & E Cartier
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	25	175.00	H Malette
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	25	175.00	J & B L'Ecuyer
RP 588		Lot 2 *	$\frac{1}{4}$	5.00	S Delanghe
		Lot 3 *	1/6	5.00	C & H Chevalier
		Lot 1	11	65.00	R & R Traham
9	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 14	15	90.00	O & B Couture
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14	15	90.00	R & L Myers
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	20	120.00	O & B Couture
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	25	150.00	O Lucier
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 15	50	300.00	E * P Caron
	NW $\frac{1}{2}$	Lot 15	100	700.00	E & P Caron
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16	50	350.00	Bishop Farms Ltd.
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16	50	350.00	Bishop Farms Ltd.
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 27	10	60.00	I & M Capiau

SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
9	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	75	600.00	M Lozon
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	25	200.00	M Lozon
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	25	200.00	H Griffore
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 5	25	200.00	H Griffore
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 7	49	395.00	A Griffore
	NE pt NW Boyle Drain	Lot 7 *	1	10.00	D & B Lozon
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	25	200.00	K & S Young
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	25	200.00	Terre-du-Lac Farms
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 8	52	415.00	Terre-du-Lac Farms
	SW pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 9	27	215.00	L & V Poissant
	NE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 9	27	215.00	W & B Benoit
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	Lot 9	53	425.00	W Benoit
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	50	400.00	O Emery
	NW $\frac{1}{2}$ NE 3/4 ex pt	Lot 11	75	600.00	O & E Cartier
	NE 124' SW 1497' NW $\frac{1}{2}$ NE 3/4	Lot 11	1/3	10.00	E & D Bouilley
	NW $\frac{1}{2}$ ex pt	Lot 12	99.65	700.00	O & E Cartier
	Part 1 24 R 646	pt Lot 12 *	1/3	10.00	S Stefina et al in trust
10	Lots 2,3,4,5, & pt 6		200	1600.00	Big Pointe Club Ltd.
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	R & J L'Ecuycr & DVA
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 6	50	400.00	O Lozon
	W $\frac{1}{2}$ ex pt H Boyle Dr.	Lot 7	99	790.00	A Griffore
	S pt S $\frac{1}{2}$	Lot 7	37.5	300.00	D Emery
	SE $\frac{1}{2}$	Lot 8	100	800.00	O Emery
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	50	400.00	L & V Poissant
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	23.33	185.00	W Benoit
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	25	200.00	Terre-du-Lac Farms
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	50	400.00	O Cartier Est.
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	25	200.00	T Emery Est.
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 10	25	200.00	O Cartier Est.
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	50	400.00	D Labadie
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	25	200.00	W Cartier

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
10	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11	25	200.00	A Brown Estate Est.
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	25	200.00	A Brown Estate Est.
	NE $\frac{3}{4}$ SE $\frac{1}{2}$ ex pt	Lot 12	40	300.00	V & B Letourneau
	NE cor NW $\frac{1}{2}$ N Boyle Drain	Lot 7	1	10.00	Big Pointe Club Ltd.
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 7	7.677	60.00	C & L Tetreault
	Pt N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	Lot 7	3	25.00	D Hebert
	N 59 $\frac{1}{2}$ Ac ex N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	Lot 7	47	375.00	L Lauzon
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex Rd.	Lot 8	48	380.00	Henry Myers Estate
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 8	49	390.00	Hector Myers
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	30.5	245.00	Hector Myers
	Pt on W $\frac{1}{2}$ W $\frac{1}{2}$ N $\frac{1}{2}$	Lot 9 *	1/3	10.00	L & A Myers
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	37.5	300.00	M L'Ecuier
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 9	26	210.00	J Cartier
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 10	25	200.00	J Cartier
	NE $\frac{3}{4}$ NW $\frac{1}{2}$	Lot 10	75	600.00	R A Cartier
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	R A Cartier
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 11	50	400.00	A Brown
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	25	175.00	D Brown Estate
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	25	175.00	V & I Demers
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12	30	200.00	B. Benoit
	NW pt SE $\frac{1}{2}$	Lot 13	20	150.00	S V Letourneau
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 14	20	150.00	H A Myers Est.
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 14	40	275.00	B Emery
	SE $\frac{1}{2}$	Lot 15	100	700.00	J Caron
	NW $\frac{1}{2}$	Lot 13	100	700.00	L Letourneau
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14	50	350.00	V & I Demers
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14	50	350.00	Bishop Farms Ltd.
	NW $\frac{1}{2}$ ex pt	Lot 15	90	600.00	A & R Couture
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16	10	50.00	A Couture
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 16	49.66	340.00	A & D Emery
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16	25	175.00	R & L Myers
	SW 122.5' NW 122.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16 *	1/3	10.00	R & L Ouellette

SCHEDULE (con't)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
11	SE $\frac{1}{2}$	Lots 6 & 7	110	880.00	Big Pointe Club Ltd.
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8	50	400.00	D & Y O'Neil
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 8	50	400.00	N L'Ecuyer
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	50	400.00	N L'Ecuyer
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 9	50	400.00	E & R Demers
	SE $\frac{1}{2}$	Lot 10	100	800.00	R & H Cartier
	SW $\frac{3}{4}$ SE $\frac{1}{2}$	Lot 11	75	600.00	L & R Demers
	NE $\frac{1}{4}$ SE $\frac{1}{2}$	Lot 11	25	200.00	C Brown
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12	50	400.00	C Brown
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lot 12	49.655	390.00	D Brown Estate
	NW 100' SE 233.29' NE 150' of NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 * $\frac{1}{3}$		10.00	C & M Brown
	SE $\frac{1}{2}$	Lot 13	100	700.00	H Couture
	SE $\frac{1}{2}$	Lot 14	50	350.00	P Pinsonneault
	SE $\frac{1}{2}$	Lot 15	10	50.00	S MacDonald et al
RP 409	Lot 1 NE $\frac{1}{2}$ Lot 2 SW pt Lot 4	*	.5	250.00	Donald Rakus
		Lot 7 *	.03	25.00	Ben Jacobs
	All	Lots 5 & 6 *	.67	190.00	Donald Rakus
	NE pt	Lot 4 *	.11	100.00	Donald Rakus
	NE pt	Lot 3 *	.11	100.00	J Bourdeau
	Pt	Lots 1,2,3 & 4 *	1.0	300.00	S & P Vincent
	All	Lots 21,22,23 & 24 *	1.33	200.00	S Dinsmore
11	Pt ex lots	Lot 8	93.847	800.00	Bay Lodge Inc.
RP 409	All	Lots 8 & 9*	.55	126.00	Donald Rakus
		Lot 10*	.22	50.00	R Nowak
		Lot 11*	.22	50.00	L Profota
	SW $\frac{1}{2}$	Lot 12*	.11	25.00	L Profota
	NE $\frac{1}{2}$ lot 12 & SW $\frac{1}{4}$ Lot 13	Lots 12 & 13 *	.16	40.00	A & P Profota
	NE $\frac{3}{4}$	Lot 13 *	.16	40.00	R & J Garvey
		Lot 14 *	.22	50.00	T & S Paczency
	SW $\frac{1}{2}$	Lot 15 *	.11	25.00	D & R Bechard
	NE $\frac{1}{2}$	Lot 15 *	.11	25.00	Y & G Laliberte
	Pr3				

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
RP 409	Lot 16 *	.22	50.00	H & V Mailloux
	Lot 17 *	.22	50.00	W & M McGavin
	SW $\frac{1}{2}$ Lot 18 *	.4	25.00	A Irwin
	NE $\frac{1}{2}$ Lot 18 *	.11	25.00	A Irwin
	Lots 19 & 20*	.44	100.00	R. Vandemergle
11	Pt S of RP 409	Lot 8 * 1.32	300.00	D Rakus
	NE cor NE $\frac{1}{2}$	Lot 8 * 1.00	100.00	L Lozon
	NW $\frac{1}{2}$	Lots 9 & 10 * 200	1600.00	H, R, K Rex
	NW $\frac{1}{2}$	Lot 11 100	800.00	L & D Griffore
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 50	400.00	A Griffore
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 12 50	400.00	A Griffore
	NW $\frac{1}{2}$	Lot 13 100	700.00	J & R Demers
	NW $\frac{1}{2}$ ex pt	Lot 14 65	450.00	Chatelaine Farms Inc.
12	Pt SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 11 * .5	10.00	A & C Emery
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts	Lots 11 & 12 96.789	760.00	C & G Grifford
	NW 100' of NE 146' SE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 12 * 1/3	10.00	D & S Carroll
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	Lots 11 & 12 99	790.00	A & Y Griffore
	Pt 1 RD 262	Lot 12 * 1	10.00	R & B Jacques
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 13 49	390.00	G Lozon
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 13 50	400.00	H Burke
	Ct pt SE pt SE RankinCreek	Lot 14 15	90.00	H Ouellette
	SW pt SE pt SE Rankin Creek	Lot 14 41	275.00	A & J Aerts
	Pt NW $\frac{1}{2}$	Lot 10* .69	125.00	J. M. Moffat Ent.
	All ex lots & W 16 Ac	Lot 10 148.39	1200.00	Leo Pinsonneault
	NW part	Lot 11 * 12.43	200.00	Dover Township
	SW 145' NE 1302.13 SE 300'	Lot 11 * 1.00	20.00	M. & G. Debie
	SW 50' NE 1157.13 SE 148'	Lot 11 * 1/5	5.00	M. & G. Debie
	SW 50' NE 1107.13 SE 148'	Lot 11 * 1/5	5.00	M. & G. Debie
	SW 100' NE 1057.13' SE 148'	Lot 11 " 2/5	10.00	D Baumgardener
	SW 48' NE 957.13' SE 148'	Lot 11 * 1/5	5.00	C & M Sauter

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
12	SW 52' NE 909.13' SE 148' Lot 11*	1/5	5.00	R. Bechard
	SW 150' NE 857.13 SE 148' Lot 11*	3/5	15.00	B. Hubbard
	SW 100' NE 707.13' SE 148' Lot 11*	2/5	10.00	R. & J. Wigchert
	SW 100' NE 607.13' SE 148' Lot 11*	2/5	10.00	J. & A. Carboneau
	SW 250' NE 507.13' SE 148' Lot 11*	1	25.00	W. & T. Olsen
	SW 100' NE 257.13' SE 148' Lot 11*	L 2/5	10.00	R. Boychuk
	SW 66' NE 157.13' SE 148' Lot 11*	.22	10.00	Dover Township
	NW½ ex Park & Lots Lot 11	82.44	660.00	L. Pinsonneault
	NE 91.13 pts of NW pt 11 ex RP 419 Lot 11*	.31	10.00	M. & J. Carroll
	RP 419 SW 297' Lot 1*	1.35	30.00	E. Dunlop Estate
	NE pt 1 SW pt 4 Lots 1 & H	.41	10.00	H. Turner
	Ct pt Lot H*	.45	10.00	J. & P. Potts
	NE pt Lot H*	¼	10.00	M. Urquhart
12	NE cor NW½ NW½ Lot 12*	.95	10.00	F. Hallegards
	NW½ NW½ ex pts Lot 12	48	385.00	L. Pinsonneault
	SE½ NW½ Lot 12	50	400.00	E. Dunlop Estate et al
	SE½ NW½ Lot 13	30	210.00	Ross Dunlop
	NW½ NW½ Lot 13	40	200.00	C. & V. Burke
13	NW pt NE pt SE½ Lot 11	12.607	100.00	H. Allen
	Part 24 R 603 Lot 11*	.06	10.00	Ministry of Environment of Ontario.
	RP 419 Lot K ex 24 R 63 Lot k	7.043	60.00	H. Allen
	Pt Lot J*	.71	20.00	R. & G. Prezocki
	Pt SW 40' NE 193.5 Lot J*	.20	10.00	W. Van Oosten
	Pt SW 80' NE 353.5 Lot J*	.40	20.00	E. & A. Mc Fadden
	Pt SW 80' NE 273.5 Lot J*	.40	20.00	R. Boychuk
	Pt SW 80' Lot J*	.40	20.00	H. & E. Brown
	RP 235 All Lots 1 & 50*	.80	20.00	Wm. Keller
	All Lots 2*	.2	10.00	H. & B. Lozen
	All Lots 49*	.2	10.00	J. & G. Thompson

CON.	LOT OR PART OF LOT	ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
RP 235	Lot 3 & NE $\frac{1}{2}$ Lot 4	Lot 4 * .30	15.00	M Templeton
	Lot 48 & NE $\frac{1}{2}$ Lot 47	* .30	15.00	T McDonald
	Lots 5 & 46 & SW pts	Lots 4 to 47* .60	15.00	B Tewkesbury
		Lots 6 & 7 * .40	15.00	N Miles
	Lot 45 & NE $\frac{1}{2}$	Lot 44 * .30	15.00	E & C Brown
		Lot 8 * $\frac{1}{5}$	10.00	W & N Knight
	Lot 43 & SW pt	Lot 44 * .30	15.00	R & L King
	Lots 9, 10, 41 & 42	* $\frac{4}{5}$	20.00	L Dunlop
	Lots 11 & 40	* .4	15.00	W & B Hembree
	Lots 12, 13, 38 & 39	* .8	20.00	C & C Burden
	Lots 14 to 37	* .4	15.00	P & N MacDonald
	Lots 15, 16, 35 & 36	* .8	20.00	C Winter
	Lots 18 & 33	* .44	15.00	J & O Crawford
	Lots 17 & 34	* .4	15.00	E & M Simpson
	Lots 19, 20, 21, 30, 31 & 32	* 1.20	25.00	Richard Walker in Trust
		Lot 28 * .25	10.00	E Bausejour
		Lot 29 * .20	10.00	Mitchells Bay Inn Inc.
	Lots 22 & 23 *	.4	15.00	R Bunnett
		Lot 24 * .2	10.00	L & E Beausejour
		Lot 27 * .2	10.00	L & E Beausejour
	Lots 25 & 26*	.4	15.00	R Bunnett in Trust
RP 419	SE $\frac{1}{3}$	Lot M * .09	10.00	R Bunnett in Trust
	NW $\frac{2}{3}$	Lot M * .18	10.00	R Bunnett in Trust
		Lot G * .35	15.00	Anglican Church
	NW pt	Lot G * .10	10.00	Dover Township
	SW 66'	Lot F * .32	15.00	S McDonald
	Ct pt	Lot F * .37	15.00	D & B Lachance
	NE pt	Lot F * .40	15.00	M Broadbent
	NE pt	Lot D * .42	15.00	A & N Jarczak
13		Lots C, B, & A * .60	20.00	A & R Lozon
	Pt NE RP 419	Lot 12 * .90	25.00	A & R Lozon

SCHEDULE (con't)

CON.	LOT OR PART OF LOT	ACHES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
13	SE $\frac{1}{2}$ ex pts	Lot 12 93.574	745.00	H & L Allen
	SE pt SE $\frac{1}{2}$	Lot 12 * 3	40.00	E Roberts
	SE pt SE $\frac{1}{2}$	Lot 12 * .35	15.00	L & T Rankin
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 13 25	175.00	M & C Burke
	NW $\frac{1}{2}$ ex pt	Lot 12 96.5	775.00	D Normandin
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 13 49.61	390.00	G DeMeyer
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 14 10	70.00	W Mills
14	All ex Creek & lots	Lot 13 193	1540.00	Rankin Creek Farms
	SW 1/3 SW $\frac{1}{2}$ ex pt	Lot 14 282	225.00	R Loyst
	NE 104' SW 1/3 SW $\frac{1}{2}$	Lot 14 5	40.00	M Van Houten
	NE 2/3 SW $\frac{1}{2}$	Lot 14 66.48	530.00	N L'Ecuier-
	NE $\frac{1}{2}$	Lot 14 99.719	800.00	W Mills
	SE $\frac{1}{2}$	Lot 15 45	315.00	N & M Dewar
	NW $\frac{1}{2}$	Lot 15 98	785.00	B Lewis
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 16 90	280.00	W Lewis
	SE $\frac{1}{2}$	Lot 17 50	350.00	L Lewis Estate
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	Lot 18 10	70.00	A & M Crawford
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 40	280.00	J McGrail
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 16 50	350.00	W & J McGrail
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt	Lot 17 49.075	350.00	W & J McGrail
	Pt 1 24 R 817	Lot 17 * .93	10.00	F & D Debruyne
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 17 50	350.00	M Crawford
	NW $\frac{1}{2}$	Lot 18 90	620.00	M Crawford
	NW pt NW $\frac{1}{2}$ NW McLeod Creek ex SE pt	Lot 19 50	300.00	M Crawford
	Ct pt SE pt NW $\frac{1}{2}$ SE Bear Ck.	Lot 19 2.303	15.00	M Crawford
	NW pt SE pt NW $\frac{1}{2}$ SE Bear Ck.	Lot 19 8	55.00	J & V Crowe
	NE pt NW $\frac{1}{2}$ NE Little Bear Ck.	Lot 20 10	70.00	C & M Crow
BDW		Lot 36 70	490.00	D & K Rose
BDE		Lot 36 75	530.00	J Gordon
Pr3				

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
14	NW $\frac{1}{2}$ NW $\frac{1}{2}$ ex Rd.	Lot 24	20	137.50	E Hensel
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	Lot 24	20	137.50	R Hunter
15	SE $\frac{1}{2}$	Lot 15	100	800.00	O Verhaege
	SW $\frac{1}{2}$	Lot 16	100	800.00	O Verhaege
	NE $\frac{1}{2}$ ex NW pt	Lot 16	85	680.00	J Griffore Estate
	NW pt NE $\frac{1}{2}$	Lot 16	15	120.00	J Davidson
	SW pt ex NW pt	Lot 17	63	665.00	D Griffore
	NW pt SW $\frac{1}{2}$	Lot 17	17	135.00	J Davidson
	NE $\frac{1}{2}$	Lot 17	100	800.00	E Griffore
	SW $\frac{1}{2}$	Lot 18	100	800.00	D Dunlop
	NE $\frac{1}{2}$ Lot 18	Lots 18 & 19	300	2400.00	M Crawford
	NW 216' NE 130' SE $\frac{1}{2}$ S River Ck Lot 20*		.4	10.00	J & J Martin
	NE pt ex pts NE Little Bear Ck Lot 20		100	800.00	C. Roe Estate
	Pt NW pt NE pt NE Lit. Bear Ck Lot 20		16.5	130.00	C Handsor & W Needham
	NW pt NW pt NE pt NE L. Bear Ck Lot 20		16.5	130.00	O Boswell
	SE pt NW pt NE pt Little Bear Creek	Lot 20	3	25.00	K & D Rose
BDW	All	Lot 37	100	700.00	A, H, M Rose
	SE $\frac{1}{2}$ ex pt	Lot 38	45	315.00	A, H, B Rose
	NE pt SE $\frac{1}{2}$	Lot 38	5	35.00	B & R Rose
	NW $\frac{1}{2}$	Lot 38	50	350.00	K & D Rose
BDE	NW pt	Lot 38	7.79	55.00	L & G Handsor
	NW 165' SW 528' NW pt	Lot 38	2	15.00	V Rose
	SE pt	Lot 38	90	625.00	K & D Rose
		Lot 37	100	700.00	D Gordon
15	SE $\frac{1}{2}$	Lot 24	25	175.00	J & M McGrail
	SW pt ex SE pt SW Little Bear Creek	Lot 20	54	430.00	M Crawford
	SE pt SW pt SW Little Bear Creek	Lot 20	5	40.00	R Crawford
BDW	NW $\frac{1}{2}$	Lot 39	50	400.00	O Boswell
	SE $\frac{1}{2}$	Lot 39	50	400.00	C Handsor

SCHEDULE (cont'd)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
BDE	SE pt	Lot 39	20.318	140.00	L & G Handsor
	NW pt	Lot 39	81	565.00	F & M Van Boven
15	SW pt NW $\frac{1}{2}$ SW Maxwell Creek	Lot 24	9	65.00	F Van Boven
	NW $\frac{1}{2}$ ex pt	Lot 24	40	250.00	R & L Van Damme
16	Pts	Lots 16 & 17	34.5	275.00	J Davidson
	NE pt	Lot 17	25	200.00	L & M Dunlop
	SW $\frac{1}{2}$	Lot 18	21	168.00	L Dunlop
	SW pt NE $\frac{1}{2}$	Lot 18	1.5	15.00	M Crawford
BDW	All ex NW pt NE $\frac{1}{2}$	Lot 40	82.5	660.00	G. & M. Vandevelde
	NW pt NE $\frac{1}{2}$	Lot 40	17.5	140.00	National Bank of Detroit
BOE	Pt	Lot 41 *	1.8	15.00	N Dolsen
	Pt	Lot 41 *	2.076	20.00	R Haviland
	All	Lot 40	30	210.00	D, M, J, Gordon
17	NW pt	Lot 19	46	370.00	G & E Courteaux
18	Lot 29 & SW pt	Lot 1	55	440.00	G & E Courteaux
	NE pt 1, SW pt 2 ex pts		90	720.00	G & E Courteaux
	Pt	Lots 1 & 2 *	.55	10.00	R & D Courteaux
	NE pt Lot 2 & SW pt Lot 3	Lots 2 & 3	184	1470.00	Dover Farms Ltd.
	NE pt	Lot 3	71	570.00	E & B Rabideau
	All	Lot 4 *	174	1400.00	Libby, McNeil & Libby
	SW pt NW pt SW $\frac{1}{2}$ NW Given Road & SW Rabideau Dr. ex pt	Lot 5	5.75	45.00	B. Snobelen et al
	Pt NE 88' SW 769' SE 100' of SW pt NW pt SW $\frac{1}{2}$ NW Given Rd.	Lot 5 *	.25	10.00	G & H Fransson
	SW $\frac{1}{2}$ ex SW pts NW pt NW Given Rd ex pts SE Rd.	Lot 5	91.75	735.00	G Rabideau Estate
	SW 132' NE 1232' NW 180' SE Given Road	Lot 5 *	.55	10.00	D Rabideau
	SW 70' NE 1100' NW 180' SE Given Rd.	Lot 5 *	.30	10.00	D Rabideau
	SW 61' NE 1030' NW 180' SE Given Rd	Lot 5 *	.27	10.00	A & D Rabideau

SCHEDULE (cont'd)

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
18	SW 66' NE 964' NW 180' SE Given Road	Lot 5*	.27	10.00	Annie Rabideau
	NE½ ex pts	Lot 5	96	770.00	G. Rabideau
	SW 154' NE 484' NE½	Lot 5*	6	50.00	G.H. Frye Holdings Ltd.
	NW 330' NE 269' NE½	Lot 5*	2	20.00	D. Carroll
	River Road (Along North Side Thames River)	*	40-	2815.00	Twp. of Dover
	3rd Concession Road	*	18	1335.00	Twp. of Dover
	4th Concession Road	*	36	2680.00	Twp. of Dover
	5th Concession Road	*	36	2810.00	Twp. of Dover
	6th Concession Road	*	36	2680.00	Twp. of Dover
	7th Concession Road	*	36	2680.00	Twp. of Dover
	9th Concession Road	*	24	1800.00	Twp. of Dover
	10th Concession Road	*	21	1560.00	Twp. of Dover
	11th Concession Road	*	15	1110.00	Twp. of Dover
	12th Concession Road	*	21	1560.00	Twp. of Dover
	14th Concession Road	*	6	725.00	Twp. of Dover
	15th Concession Road	*	16	1450.00	Twp. of Dover
	16th Concession Road	*	13	1227.00	Twp. of Dover
	18th Concession Road	*	15	1285.00	Twp. of Dover
	River Rd. (Along North Side Sydenham River)	*	12	900.00	Twp. of Dover
	Townline (E. & W. Dover)	*	20	1670.00	Twp. of Dover
	Jacob Road	*	27	2015.00	Twp. of Dover
	Given Road Con. 5	*	16	1200.00	Twp. of Dover
	Big Pointe Rd.	*	21	1560.00	Twp. of Dover
	Mills Road	*	3	215.00	Twp. of Dover
	Crow Road	*	1	85.00	Twp. of Dover
	Ouellette Road	*	3	215.00	Twp. of Dover
	Bearline Road	*	6	450.00	Twp. of Dover
	Baldoon Road	*	7	565.00	Twp. of Dover
	Kellar Street	*	.3	45.00	Twp. of Dover
	McDonald Street	*	.3	45.00	Twp. of Dover

CON.	LOT OR PART OF LOT		ACRES AFFECTED	VALUE OF BENEFIT	ASSESSED OWNER
	Allen Road	*	.3	45.00	Township of Dover
	Taylor Street	*	2	155.00	Township of Dover
	Park Street	*	1	85.00	Township of Dover
	4th Concession Road (County Portion)		4.5	330.00	County of Kent
	River Road (County Portion)	*	2	155.00	County of Kent
	8th Concession Road	*	36	2680.00	County of Kent
	11th Concession Road	*	7	520.00	County of Kent
	13th Concession Road	*	4	745.00	County of Kent
	Jacob Road	*	4	300.00	County of Kent
	Winterline Road	*	40	<u>2808.00</u>	County of Kent

TOTAL ASSESSMENT \$ 266,000.00

* denotes non-agricultural

RECAPITULATION

Total on Lands for Benefit	\$ 224,587.00
Total on Township Roads	33,875.00
Total on County Roads	<u>7,538.00</u>
TOTAL ASSESSMENT	\$ <u>266,000.00</u>

May 29, 1976
CHATHAM, Ontario

Donald D. McGeorge
O. L. S., P. Eng.

AND WHEREAS, the Council is of opinion that the drainage of the area described is desirable.

Therefore the Council of the Township of Dover, pursuant to the Drainage Act, 1962 - 63, enacts as follows:

1st. The report is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2nd. The Corporation of the Township of Dover may levy in one year the sum of \$Fifty Three Thousand, Two Hundred (\$53,200.00) -- xx/100 Dollars being the funds necessary for the drainage works not otherwise provided for (or being the municipality's portion of the funds necessary for the drainage works); provided that such sum shall be reduced by the amount of grants and commuted payments with respect to lands and roads assessed.

3rd. For paying the sum of \$46,425.00, the amount charged against such lands and roads for benefit, apart from lands and roads belonging to or controlled by the municipality, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned parcels of land and parts of parcels and roads in one year after the passing of this by-law, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of The Drainage Act, 1962 - 63, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

Con. Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grant	Net Assessment
1 DW SE pt. NE $\frac{1}{2}$ ex. Lots 1	81	1-001 G. Bagnall	650.00	520.00	130.00
SW cor. SE pt NE $\frac{1}{2}$ 1	4.5	1-002 B. & A. Bagnall	35.00	28.00	7.00
Pt. SE Pt. NE $\frac{1}{2}$ 1	.47	1-003 * S. & B. Bennett	5.00	4.00	1.00
Pt. SE Pt. NE $\frac{1}{2}$ 1	.60	1-004 * L. & R. Dubuque	5.00	4.00	1.00
SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex. lot pts. 2,3,& 5 24 R 851 1	77	1-005 J.M.B. & J. Bagnall	615.00	492.00	123.00
Pt. SE pt. SW $\frac{1}{2}$ SE $\frac{1}{2}$ N.R. Rd. 1	1/3	1-00501 * J. & I. Reaume	5.00	4.00	1.00
NE pt NE $\frac{1}{2}$ SE Dolsen Creek ex lot, NE pt NE $\frac{1}{2}$ NW Dolsen Creek 2	70	1-006 A. & V. King	560.00	448.00	112.00
SE cor NE pt. 2	$\frac{1}{2}$	1-00601 * P. Jubenville	5.00	4.00	1.00
SW pt. NE $\frac{1}{2}$ S. Dolsen Creek 2	44.5	1-007 R. Jubenville	360.00	288.00	72.00
NE $\frac{1}{2}$ SW $\frac{1}{2}$ 2	99	1-008 M. Jubenville	790.00	632.00	158.00
SW $\frac{1}{2}$ SW $\frac{1}{2}$ 2 Pr3	98.9	1-009 D. Reaume	790.00	632.00	158.00

Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
1 DW NE pt NE $\frac{1}{2}$ SE Dolsen Creek 3	45	1-010 H. Duphotte	360.00	288.00	72.00
SW pt NE $\frac{1}{2}$ SE Main Drain 3	48.99	1-011 J. & E. Laevens	390.00	312.00	78.00
NE pt SW $\frac{1}{2}$ & pt SW pt NE $\frac{1}{2}$ SE old Rivard Drain NW of New River Road 3	55.79	1-012 M. Laevens	445.00	356.00	89.00
Pt NE pt SW $\frac{1}{2}$ SE new R. Road 3	8.33	1-01201 J. & C. Laevens	65.00	52.00	13.00
SW pt SW $\frac{1}{2}$ & NE pt NE $\frac{1}{2}$ 3 & 4	82.14	1-013 V. & L. Duphotte	660.00	528.00	132.00
SW pt NE $\frac{1}{2}$ 4	62.5	1-014 T. & E. Jubenville	500.00	400.00	100.00
NE pt SW $\frac{1}{2}$ 4	62.5	5-015 L. Reaume	500.00	400.00	100.00
SW pt SW $\frac{1}{2}$ 4	62.5	5-016 W. & M. Reaume	500.00	400.00	100.00
All ex 24 R 297 5	179.57	5-017 Bradley Farms Ltd.	1,440.00	1,152.00	288.00
SW pt (pt 1 24 R 297) 5	1	5-018 * R. & J. Jubenville	15.00	12.00	3.00
SW pt (pt. 2 24 R 297) 5	2.12	5-01801 * C. Jubenville	30.00	24.00	6.00
SW pt (pt. 3 & 4, 24 R 297) 5	3.75	5-019 * Irene Smit	50.00	40.00	10.00
All 6	31	5-020 Bradley Farms Ltd.	248.00	198.40	49.60
NW pt Lot 7, All 8, 9, 10, 11 & 12 1229		1-022 Bradley Farms Ltd.	5,000.00	4,000.00	1,000.00
All Lots 6, 7 & 8 240		1-023 Bradley Farms Ltd.	1,920.00	1,536.00	384.00
NW pt SE $\frac{1}{2}$ 1	63	1-036 V. Jubenville	500.00	400.00	100.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt 1	35	1-037 Mary E. Jubenville	280.00	224.00	56.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW pt 1	37.69	1-038 Robert Jubenville	300.00	240.00	60.00
SW $\frac{1}{2}$ NW pt. 1	80	1-039 Vernon Jubenville	640.00	512.00	128.00
NW pt NE pt NW Dolsen Cr. 3	40	1-040 V. & L. Duphette	320.00	256.00	64.00
3 DW SW pt. 1	71	1-041 Leo Couture	570.00	456.00	114.00
NE pt & SW pt 2	112	1-042 Leo Couture	895.00	716.00	179.00
All 3	200	1-043 Leo Couture	1,600.00	1,280.00	320.00
All Lots 4 & 5 400		1-044 Bradley Farms	3,200.00	2,560.00	640.00
All 6	194.39	1-045 Bradley Farms	1,555.00	1,244.00	311.00
NE pt 1	128.5	1-046 Roger Laprise	1,030.00	824.00	206.00
Pr3					

Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
3 DW SW pt NE pt 2	88	I-047 F.E. & M.I. Pinsonneault	705.00	564.00	141.00
5 DW Pt. 1	5	I-060 St. Lukes Club	50.00	40.00	10.00
I SW $\frac{1}{2}$ SW $\frac{1}{2}$ 1	20	I-067 V. Jubenville	160.00	128.00	32.00
NE $\frac{1}{2}$ SW $\frac{1}{2}$ ex. pt. 1	16.9	I-068 Belletierre Farms	135.00	108.00	27.00
Pt NE $\frac{1}{2}$ SW $\frac{1}{2}$ - I 24 R 636 1	1/3	I-06801 * V.A. & S.L. Marchand	5.00	4.00	1.00
SW pt NE $\frac{1}{2}$ 1	20.7	I-069 Belletierre Farms Inc.	165.00	132.00	33.00
NE pt NE $\frac{1}{2}$ 1	17	I-070 V. & R. Jubenville	135.00	108.00	27.00
SW cor. 2	1	I-071 * L. & A. Stevenson	10.00	8.00	2.00
All ex SW cor. 2	120	I-072 Mary Jubenville	960.00	768.00	192.00
SW pt SW pt. 3	59.75	I-073 D. & L. Johnston	480.00	384.00	96.00
NE 89', SW 540' N.R. Road 3	.25	I-074 R. & M. Cook	5.00	4.00	1.00
NE 236' SW 798.4 N. R. Road 3	.80	I-075 Harry Goudreau	10.00	8.00	2.00
NE pt SW pt. 3	32.6	I-076 L. Jubenville	260.00	208.00	52.00
NE 154' SW 908.5' N. R. Road 3	.40	I-077 D. & P. LaMarsh	5.00	4.00	1.00
SW $\frac{1}{2}$ NE pt. 3	66	I-078 I. & K. Pelkey	530.00	424.00	106.00
NE $\frac{1}{2}$ NE pt. 3	66	I-079 Wm. Antaya	530.00	424.00	106.00
SW pt SW $\frac{1}{2}$ S. McFarlane Drain 4	26.75	I-080 Wm. Antaya	215.00	172.00	43.00
Ct. Pt. SW $\frac{1}{2}$ S. McFarlane Dr. 4	46	I-081 Rose Bagnall	370.00	296.00	74.00
NE pt SW $\frac{1}{2}$ S. McFarlane Dr. 4	44	I-082 Mary E. Jubenville	350.00	280.00	70.00
SW pt NE $\frac{1}{2}$ S. McFarlane Dr. SW Pt. S. R. Road 4	76.87	I-083 H. Crow Estate	615.00	492.00	123.00
NE pt NE $\frac{1}{2}$ S. McFarlane Dr. 4	42	I-084 R. Peltier	335.00	268.00	67.00
SW pt Pt. I, 24 R 644 5	.50	I-08401 * Loretta Reaume	5.00	4.00	1.00
SW $\frac{1}{2}$ SE McFarlane Dr. ex. Pts. 5	115.25	I-085 M.E. & J.M. Caron	920.00	736.00	184.00
SE pt SW $\frac{1}{2}$ SE River Road 5	$\frac{1}{4}$	I-086 * Anne Vandersluis	5.00	4.00	1.00
SE pt SW $\frac{1}{2}$ NW River Road 5	$\frac{1}{4}$	I-087 * Hernani Desa	5.00	4.00	1.00
SW pt NE $\frac{1}{2}$ S. McFarlane Dr. 5	49	I-088 H. Crow Estate	390.00	312.00	78.00

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq.Grt.	Net Assessment
1	NE pt NE $\frac{1}{2}$ S. McFarlane Dr. 5	40	I-089 Robert Peltier	320.00	256.00	64.00
	NE pt N. McFarlane Drain 5	31.8	I-090 Leonard Jubenville	255.00	204.00	51.00
	Ct. pt N. McFarlane Dr. 5	26	I-091 Kenneth Pelkey	210.00	168.00	42.00
	SW pt N. McFarlane Dr. 5	31	I-092 Ivan Pelkey	250.00	200.00	50.00
	NE pt N. McFarlane Dr. 4	24	I-093 Leonard Jubenville	190.00	152.00	38.00
	SW cor N. McFarlane Dr. 4	$\frac{1}{4}$	I-094 * Leonard Jubenville	5.00	4.00	1.00
4	SW pt SW $\frac{1}{2}$ NW Drain 1	73.62	I-101 J. & L. Johnston	590.00	472.00	118.00
	SW pt SW $\frac{1}{2}$ SE Drain 1	6.23	I-102 V. Jubenville	50.00	40.00	10.00
	NE pt SW $\frac{1}{2}$ 1	25.86	I-103 Belletierre Farms	205.00	164.00	41.00
	SW pt SE $\frac{1}{2}$ 1	60.477	I-104 Belletierre Farms	485.00	388.00	97.00
	NE pt NE $\frac{1}{2}$ 1	44	I-105 Vernon Jubenville	350.00	280.00	70.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ 2	25	I-106 Hector Duphette	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ & NE $\frac{1}{2}$ SW $\frac{1}{2}$ 2	75	I-107 Hector Duphette & DVA	600.00	480.00	120.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ 2	50	I-108 V. & L. Duphette	400.00	320.00	80.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ 2	50	I-109 Francis Gervais	400.00	320.00	80.00
	SW 1/3 3	66.66	I-110 Mary Koekuyt	535.00	428.00	107.00
	NE 2/3 ex pt. 3	133	I-111 A. & Y. Griffore	1,065.00	852.00	213.00
	NE cor NE $\frac{1}{2}$ 3	$\frac{1}{4}$	I-112 M. & D. Castein	10.00	8.00	2.00
	SE cor SW cor 3 & 4	$\frac{1}{4}$	I-113 * S. & R. Jubenville	5.00	4.00	1.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ ex.pt. 4	49.75	I-114 D. Ouellette	400.00	320.00	80.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ 4	50	I-115 F. Ouellette	400.00	320.00	80.00
	NE $\frac{1}{2}$ 4	100	I-116 L. & M. Jubenville	800.00	640.00	160.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ 5	50	I-117 E. & F.B. Carron	400.00	320.00	80.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ 5	50	I-118 G. Ouellette	400.00	320.00	80.00
	NE $\frac{1}{2}$ 5	100	I-119 A. St. Pierre	800.00	640.00	160.00
5	NW pt SE $\frac{1}{2}$ N Stephenson Dr. 1	54	I-126 Romeo Pinsonneault	430.00	344.00	86.00

Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
5 SE pt SE $\frac{1}{2}$ S. Stephenson Dr.	1 42.173	1-127 R. & T. Pinsonneault	335.00	268.00	67.00
SE $\frac{1}{2}$	2 97.917	1-128 R. Pinsonneault	784.00	627.20	156.80
SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	3 25	1-129 G. Delrue	200.00	160.00	40.00
NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	3 25	1-130 E. Delrue	200.00	160.00	40.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$	3 50	1-131 L. & M. Jubenville	400.00	320.00	80.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	4 50	1-132 L. Jubenville	400.00	320.00	80.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$	4 50	1-133 R. & T. Pinsonneault	400.00	320.00	80.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$	5 50	1-134 A. St. Pierre	400.00	320.00	80.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$	5 50	1-135 J. P. Pinsonneault	400.00	320.00	80.00
SE $\frac{1}{2}$ NW $\frac{1}{2}$	1 50	1-136 V. & L. Duphette	400.00	320.00	80.00
NW $\frac{1}{2}$ NW $\frac{1}{2}$	1 50	1-137 M. & M. Klinard	400.00	320.00	80.00
SE $\frac{1}{2}$ NW $\frac{1}{2}$	2 50	1-138 M. & M. Roth	400.00	320.00	80.00
NW $\frac{1}{2}$ NW $\frac{1}{2}$	2 50	1-139 J. & F. Roth	400.00	320.00	80.00
NW $\frac{1}{2}$	3 100	1-140 J. P. Pinsonneault	800.00	640.00	160.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$	3 50	1-141 R. Pinsonneault	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$	4 50	1-142 A. & J. St. Pierre	400.00	320.00	80.00
NW $\frac{1}{2}$	5 100	1-143 A. St. Pierre	800.00	640.00	160.00
SE $\frac{1}{2}$ SW $\frac{1}{2}$ ex. River Road	6 48.6	2-001 Frank Gervais	390.00	312.00	78.00
NW $\frac{1}{2}$ SW $\frac{1}{2}$	6 49.7	2-00101 F. Gervais	400.00	320.00	80.00
Pt. 1 24R210	6 1/3	2-00102 * R. & C DeHondt	5.00	4.00	1.00
SE pt NE $\frac{1}{2}$ SE McFarlane Dr.	6 74	2-002 Wm. Trudell	590.00	472.00	118.00
SW pt SW $\frac{1}{2}$	7 49.5	2-003 R. Belanger	395.00	316.00	79.00
NE pt SW $\frac{1}{2}$ SE McFarlane Dr.	7 37	2-004 G. & M. Pelkey	295.00	236.00	59.00
Pt NE pt SW $\frac{1}{2}$ NW McFarlane Dr.	7 15	2-005 A. Trudell	120.00	96.00	24.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	7 30	2-006 J. & J. Abram	240.00	192.00	48.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE McFarlane Dr.	7 29.5	2-007 P. Vollans	235.00	188.00	47.00
NE pt NE $\frac{1}{2}$ NW McFarlane Dr.	7 27	2-008 R. H. Belanger	215.00	172.00	43.00

Con.	Lot or Pt.	Acres	Owner or Assessed	Total	Est.	Net
		Affected	Owner	Assessment	Leg.Grt.	Assessment
1	SW 2/3 NW R.Rd.		2-011			
	8	130	Belletierre Farm	1,040.00	832.00	208.00
	SE pt NE 1/3		2-013			
	ex pt.	8	B. & T. Charlebois	40.00	32.00	8.00
	NW pt NE 1/3 SE		2-014			
	McFarlane Dr.	8	Belletierre Farms	335.00	268.00	67.00
	NW pt NE 1/2 NW		2-056			
	McFarlane Dr.	6	B. & M. Trudell	195.00	156.00	39.00
PCB	Pt. 1 RD 139	15	2-057 *			
		3/4	R. E. Marinitt	10.00	8.00	2.00
	SW pt ex RD 139	15	2-058			
		29.43	B. & M. Trudell	235.00	188.00	47.00
	NE pt Lot 15 & 14	62	2-059			
			B. & M. Trudell	310.00	248.00	62.00
	All 12 & 13	40	2-060			
			Alphonse Trudell	200.00	160.00	40.00
	All 11, 10 & 9	61.5	2-061			
			H. Belanger	300.00	240.00	60.00
	SW 1/2	8	2-062			
		28.5	R. H. Belanger	140.00	112.00	28.00
	NE 1/2	8	2-063			
		27	R. Bourassa	100.00	80.00	20.00
4	SW 1/2 SW 1/2	5	2-300			
		50	E. Petter	400.00	320.00	80.00
	NE 1/2 SW 1/2	6	2-301			
		50	C. Peltier	400.00	320.00	80.00
	SW 100' SW 1/2 NE 1/2	6	2-302 *			
		1/2	F. & R. Jubenville	10.00	8.00	2.00
	SW 1/2 NE 1/2 ex pt.	6	2-303			
		49.5	Violet King	395.00	316.00	79.00
	NE 1/2 NE 1/2	6	2-304			
		50	F. & N. Trudell	400.00	320.00	80.00
	SW pt SW 1/2	7	2-305			
		40	J. Raspburg	320.00	256.00	64.00
	NE pt SW 1/2	7	2-306			
		40	G. & C. Kestelyn	320.00	256.00	64.00
	SW pt NE 1/2 & pt		2-307			
	NE pt SW 1/2	7	R. & C. Bossy	640.00	512.00	128.00
	NE pt & NE 1/2	7	2-308			
		40	R. & C. Pinsonneault	320.00	256.00	64.00
	SW 1/2 SW 1/2 ex pt.	8	2-309			
		49.483	R. & C. Pinsonneault	395.00	316.00	79.00
	pt SW 1/2 SW 1/2 ex pt.	8	2-30901 *			
		1/2	D. & B. Johnston	10.00	8.00	2.00
	pt. NE 1/2 SW 1/2	8	2-310			
		1/3	C. Couture	5.00	4.00	1.00
	NE 1/2 SW 1/2 ex pt	8	2-311			
		49.660	A. Couture	395.00	316.00	79.00
	SW 1/2 NE 1/2	8	2-312			
		50	B. C. Echard	400.00	320.00	80.00
	NE 1/2 NE 1/2	8	2-313			
		50	I. Bourassa	400.00	320.00	80.00
	SW 1/2 SW 1/2	9	2-314			
		50	Ernest King	400.00	320.00	80.00

Con.	Lot or Pt.Lot		Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
4	NE $\frac{1}{2}$ SW $\frac{1}{2}$	9	50	2-315 F. & M. Pinsonneault	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$	9	50	2-316 R, C. F, & M.Pinsonneault	400.00	320.00	80.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$	9	50	2-317 E. & R. King	400.00	320.00	80.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ ex SE cor	10	48	2-318 F. & J. Raspburg	380.00	304.00	76.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$	10	50	2-320 A. Caron	350.00	230.00	70.00
	SW $\frac{1}{2}$	11	100	2-321 R. & C. King	650.00	520.00	130.00
	SW pt NE $\frac{1}{2}$ ex pt. 11	71		2-322 R. Pinsonneault	425.00	340.00	85.00
	NE pt NE pt SE pt ex SW cor.	11	13.5	2-325 R.& Y. Pinsonneault	80.00	64.00	16.00
	NE pt NE pt NW pt.	11	14	2-326 R. Pinsonneault	85.00	68.00	17.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	50	2-327 R.& Y.Pinsonneault	250.00	200.00	50.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	12	49.5	2-328 J. M. Caron	240.00	192.00	48.00
	NE $\frac{1}{2}$	10	100	2-335 E. J. King	725.00	580.00	145.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	12	50	2-336 R. T. Pinsonneault	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	12	49	2-337 F. & M. Caron	290.00	232.00	58.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	6	50	2-350 C. & M. Lozon	400.00	320.00	80.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	7	25	2-351 C. & M. Lozon	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	7	23	2-352 A. St. Pierre	185.00	148.00	37.00
	W pt SE cor E $\frac{1}{2}$	7	$\frac{1}{2}$	2-353 * R. & B. Couture	10.00	8.00	2.00
	E pt SE cor E $\frac{1}{2}$	7	1.526	2-354 R. Couture	15.00	12.00	3.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Road	7	47	2-355 R. Couture	375.00	300.00	75.00
	SE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Given Rd.	8	41	2-356 J. & B. Osuch	325.00	260.00	65.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex NW $\frac{1}{2}$ Ac NW Given Rd. & SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	74.25	2-357 H. & M. Mielczarek	600.00	480.00	120.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	25	2-358 H. Couture	200.00	160.00	40.00
	SE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Given Rd.	9	19.5	2-359 E. & E. Couture	155.00	124.00	31.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	10	25	2-360 H. & M. Couture	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SW Given Road	10	63.5	2-361 E. & E. Couture	510.00	408.00	102.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	7	40	Cie Couture	320.00	256.00	64.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
5	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 6	48.74	2-362 C. & M. Lozon	390.00	312.00	78.00
	Pt. 1 RD 145 6	1.25	2-363 C. R. & F. Lozon	15.00	12.00	3.00
	NE pt SE $\frac{1}{2}$ SE Given Road 8	43	2-364 P. Dullisch Estate	345.00	276.00	69.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ 6	50	2-366 Marlo Dullisch	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt. 6	49.2	2-367 R. Pinsonneault	395.00	316.00	79.00
	Pt. NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt. 6	.8	2-368 M. & M. St. Pierre	10.00	8.00	2.00
	SE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ 7	10	2-369 Clara Kendall	80.00	64.00	16.00
	NE pt NE $\frac{1}{2}$ NE Given Rd. 7	53	2-370 H. St. Pierre	425.00	340.00	85.00
	NW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd. 8	9	2-371 L. & L. Lozon	72.00	57.60	14.40
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ 8	50	2-372 C. Bochart	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ & NW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Rd. 8	57	2-373 P. Dullisch Est.	455.00	364.00	91.00
	NW cor SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW Given Road 9	$\frac{1}{2}$	2-374 * M. St. Pierre	10.00	8.00	2.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ 9	49	2-375 W., J., & M Gebal	395.00	316.00	79.00
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Given Rd. 9	30	2-376 W., J., & M., Gebal	240.00	192.00	48.00
	NW pt of S $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Rd. 10	19.5	2-377 W. J. & M. Gebal	155.00	124.00	31.00
	NE pt W $\frac{1}{2}$ N $\frac{1}{2}$ ex Rd. 10	11	2-378 W. & M. Gebal	90.00	72.00	18.00
	Pt S Rd. W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$ 10	3	2-37801 V. & E. Tetrault	25.00	20.00	5.00
	SW cor W $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$ 10	1	2-379 E. Lozon	10.00	8.00	2.00
	E $\frac{1}{2}$ E $\frac{1}{2}$ N $\frac{1}{2}$ 10	25	2-380 W. & M. Gebal	200.00	160.00	40.00
	NE pt E $\frac{1}{2}$ S $\frac{1}{2}$ 10	11.75	2-381 W. & M. Gebal	95.00	76.00	19.00
	S pt W $\frac{1}{2}$ N $\frac{1}{2}$ W Big Pointe Rd. 10	18.5	2-382 E. & E. Couture	145.00	116.00	29.00
	SE $\frac{1}{2}$ 11	100	2-383 G. & R. Pinsonneault	700.00	560.00	140.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ 12	50	2-384 R. Pinsonneault	300.00	240.00	60.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ 12	50	2-385 O. & M. Pinsonneault	300.00	240.00	60.00
6	NW $\frac{1}{2}$ SE $\frac{1}{2}$ 1	50	5-001 R. Dorbeckor	400.00	320.00	80.00
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ 1	49.656	5-002 H. & J. Kilnard	395.00	316.00	79.00
	NW 100' SE $\frac{1}{2}$ SE $\frac{1}{2}$ 1	1/3	5-00201 * Union Gas Ltd.	5.00	4.00	1.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
6	SW 273' SW $\frac{1}{2}$ SE $\frac{1}{2}$ 2	.95	5-003 G. & A. Klein	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt 2	65.226	5-006 Belleterre Farms	520.00	416.00	104.00
	SW 162' NE 476.15 SW pt SE $\frac{1}{2}$ 2	.8	5-00601 * Patricia Lozon	10.00	8.00	2.00
	Ct. pt. NE $\frac{1}{2}$ SE $\frac{1}{2}$ 2	25	5-007 J. & B. Osuch	200.00	160.00	40.00
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ 2 & 3	20	5-008 S. & P. Czarnecki	160.00	128.00	32.00
	NE pt SW $\frac{1}{2}$ SE & SW pt NE $\frac{1}{2}$ SE ex pt. 3	68.34	5-009 R. & T. Pinsonneault	545.00	436.00	109.00
	Pts. 1 & 2 RD 206 3	1.90	5-00901 Michael Klinard	15.00	12.00	3.00
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex E cor 3	20.6	5-010 J. & R. Schuster	165.00	132.00	33.00
	E cor NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex E cor 3	1.1	5-011 * J. & R. Schuster	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ 4	50	5-012 J. & K. Schertzer	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ 4	50	5-013 Jean Pinsonneault	400.00	320.00	80.00
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ 5	50	5-014 H. & J. Klinard	400.00	320.00	80.00
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ 5	50	5-015 R. & E. Charron	400.00	320.00	80.00
	SW $\frac{1}{2}$ 6	100	5-016 M. Gardiner	800.00	640.00	160.00
	NE $\frac{1}{2}$ 6	100	5-017 H. Dutka	800.00	640.00	160.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ 7	50	5-018 S. & P. Evans	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ 7	50	5-019 Mike Menyes	400.00	320.00	80.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ 7	50	5-020 S. & P. Evans	400.00	320.00	80.00
	SW $\frac{1}{2}$ 8	100	5-021 R. & A. Lozon	800.00	640.00	160.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ 8	50	5-022 H. Couture	400.00	320.00	80.00
	SE $\frac{1}{2}$ 9	100	5-023 F. & M. Couture	800.00	640.00	160.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ 10	50	5-024 O. Couture	400.00	320.00	80.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ 10	12.5	5-025 Vital Sterling	100.00	80.00	20.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ & NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ 10	37.5	5-026 P. & A. Sterling	300.00	240.00	60.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ 11	50	5-027 N. & M. Letourneau	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ 11	50	5-028 J. & W. Gebal	400.00	320.00	80.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ 12	50	5-029 B. Carron	350.00	280.00	70.00

Con. Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg.Grt.	Net Assessment
6 NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 12	48.757	5-030 O. & J. Delrue	325.00	260.00	65.00
SE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt. 1	49.46	5-032 Belloterre Farms	395.00	316.00	79.00
SE 265.88' NW 529.58'		5-033 *			
SE $\frac{1}{2}$ NW $\frac{1}{2}$ 1 1		G. & M. Emrich	10.00	8.00	2.00
NW 263.71'		5-034			
SE $\frac{1}{2}$ NW $\frac{1}{2}$ 1 1		G. & K. Emrich	10.00	8.00	2.00
NW $\frac{1}{2}$ NW $\frac{1}{2}$ 1 50		5-035 F. Pinsonneault	400.00	320.00	80.00
SW pt NW $\frac{1}{2}$ 2 10		5-036 * Dover Rod & Gun Club	80.00	64.00	16.00
NE pt NW $\frac{1}{2}$ 2 90		5-037 * Gustaaf Blondeel	720.00	576.00	144.00
NW $\frac{1}{2}$ 3 100		5-038 Gustaaf Blondeel	800.00	640.00	160.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 4 50		5-039 L. Tetrault Est.	400.00	320.00	80.00
SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ 4 25		5-040 J. & M. Pinsonneault	200.00	160.00	40.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ 4 25		5-041 G. & K. Mal	200.00	160.00	40.00
NW $\frac{1}{2}$ NW $\frac{1}{2}$ 5 50		5-042 J.P. & M. Pinsonneault	400.00	320.00	80.00
SE $\frac{1}{2}$ NW $\frac{1}{2}$ 5 50		5-043 G. & K. Mal	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 7 50		5-044 O. Couture	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 8 50		5-045 O. & D. Couture	400.00	320.00	80.00
SW pt NW $\frac{1}{2}$ SW R pt. Rd. 8 88		5-046 O. & B. Couture	705.00	564.00	141.00
NE pt NW $\frac{1}{2}$ NE R pt Rd. 9 10		5-047 J. & M. Couture	80.00	64.00	16.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 10 50		5-048 J. & M. Couture	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 10 50		5-049 E. Duquette	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 11 50		5-050 W. Cadotte	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 11 50		5-051 J. Ouellette	400.00	320.00	80.00
NW $\frac{1}{2}$ 12 100		5-052 Oscar Delrue	700.00	560.00	140.00
NW $\frac{1}{2}$ 13 99.463		5-053 G. & E. Delrue	600.00	480.00	120.00
7 SW $\frac{1}{2}$ SE $\frac{1}{2}$ 3 49.32		5-060 A. & R. Szymanski	400.00	320.00	80.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$ 3 50		5-061 Adelard Tetrault	400.00	320.00	80.00
SW $\frac{1}{2}$ SE $\frac{1}{2}$ 4 50		5-062 A. & B. Tetrault	400.00	320.00	80.00
NE $\frac{1}{2}$ SE $\frac{1}{2}$ 4 50		5-063 Eclid Tetrault	400.00	320.00	80.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
7	SE½	5	100	5-064 Eclid Tetrauit	800.00	640.00	160.00
	NW½ SE½	6	50	5-065 H. Kestelyn Est.	400.00	320.00	80.00
	SE½ SE½	6	48.84	5-066 S. Flodrowski	390.00	312.00	78.00
	SW½ SE½	7	50	5-067 D. Tetrauit Est.	400.00	320.00	80.00
	SE½	8	99.419	5-068 H.F. Couture	795.00	636.00	159.00
	SW½ SE½	9	49.417	5-069 P. & D. Martin	395.00	316.00	79.00
	NW½ NE½ SE½ ex pt.	9	23.75	5-070 P. & D. Martin	190.00	152.00	38.00
	SE½ NE½ SE½ ex Rd.	9	23.203	5-071 Raoul Martin	185.00	148.00	37.00
	SE½ SW½ SE½	10	24.423	5-072 Raoul Martin	195.00	156.00	39.00
	Ct. 1/3 NE½ SE½	10	16.66	5-073 B. Mallette	135.00	108.00	27.00
	SW 1/3 NE½ SE½	10	16.467	5-074 B. Mallette	135.00	108.00	27.00
	NE 1/3 NE½ SE½	10	16.274	5-075 B. Mallette	135.00	108.00	27.00
	SW½ SE½	11	49.424	5-076 J., D, V, & A. Martin	395.00	316.00	79.00
	NE½ SE½	11	49.423	5-077 A. & A. Martin	395.00	316.00	79.00
	SE½ SE½	12	48.87	5-078 V. Martin	340.00	272.00	68.00
	NW½ SE½	12	50	5-079 A. Martin	350.00	280.00	70.00
	Pts SW Rivard Drain	1 & 2	126.5	5-091 St. Lukes Club	1,012.00	809.60	202.40
	Pts. 1 & 2 24 R 639		2.89	5-092 G. & A. Klein	25.00	20.00	5.00
	All NE Rivard Dr.	1 & 2	270.405	5-093 Snake Island Marsh	2,165.00	1,732.00	433.00
	SW½ NW½	3	50	5-094 A. Tetrauit	400.00	320.00	80.00
	SW½ NE½ NW½ ex pt.	3	24.54	5-095 A. Tetrauit	195.00	156.00	39.00
	Pt.	3	½	5-096 * S. Tetrauit	10.00	8.00	2.00
	NE½ NE½ NW½	3	25	5-097 E. & C. Tetrauit	200.00	160.00	40.00
	SW½ NW½	4	50	5-098 A. & A. Tetrauit	400.00	320.00	80.00
	SW½ NE½ NW½	4	25	5-099 A. & A. Tetrauit	200.00	160.00	40.00
	NE½ NE½ NW½ ex pt.	4	24.65	5-100 O. & L. Tetrauit	195.00	156.00	39.00
	Pt. NE½ NE½ NW½	4	.35	5-10001 * J. & D. Nilsson	5.00	4.00	1.00
	Pr3						

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
7	SW $\frac{1}{2}$ NW $\frac{1}{2}$	5	49.507	5-101 D. & E. Laevens	195.00	156.00	39.00
	Pt. 1 24 R1232	5	.5	5-10101 * David Laevens	10.00	8.00	2.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pts.	5	49.4	5-102 Charles Couture	395.00	316.00	79.00
	Pt E $\frac{1}{2}$ N $\frac{1}{2}$	5	.6	5-103 * Harvey Tetrauit	10.00	8.00	2.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	6	50	5-104 R. & E. Charron	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	6	50	5-105 R. Charron	400.00	320.00	80.00
	NW pt on N $\frac{1}{2}$ W $\frac{1}{2}$	7	.35	5-106 * Est. of L. Tetrauit & H. Tetrauit	5.00	4.00	1.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt.	7	49.75	5-107 O. & C. Tetrauit	395.00	316.00	79.00
	NE $\frac{1}{2}$	7	100	5-108 F. & G. Caron	800.00	640.00	160.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	8	25	5-109 Charles Couture	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	8	25	5-110 Harvey Couture	200.00	160.00	40.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	8	50	5-111 F. Caron	400.00	320.00	80.00
	SW 52' SW $\frac{1}{2}$ NW $\frac{1}{2}$	9	$\frac{1}{4}$	5-112 * V. & E. Tetrauit	5.00	4.00	1.00
	E pt on W $\frac{1}{2}$ N $\frac{1}{2}$ W.B.pt. Rd.	9	.50	5-113 * M. & J. Marleau	10.00	8.00	2.00
	SE pt SW $\frac{1}{2}$ NW NW W.B.Pt. Rd.	9	15	5-114 H. Toulouse	120.00	96.00	24.00
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$	9	33	5-115 H. Couture	265.00	212.00	53.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	9	50	5-116 A. & M. Martin	400.00	320.00	80.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	10	75	5-117 H. Ouellette	600.00	480.00	120.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	10	50	5-118 V. & B. Maillette	400.00	320.00	80.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	11	50	5-119 H. & C. Louagie	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	11	50	5-120 W. & B. Hembree	400.00	320.00	80.00
	NW $\frac{1}{2}$	12	100	5-121 A. & M. St. Pierre	700.00	560.00	140.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	15	25	6-083 J. Pinsonneault	175.00	140.00	35.00
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	16	45	6-084 Chapple Farms Ltd.	315.00	252.00	63.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	17	45	6-056 Chapple Farms Ltd.	315.00	252.00	63.00
8	NW cor Pt. SE $\frac{1}{2}$	1	3.5	5-131 * E. Hamilton	40.00	32.00	8.00
	NW pt SE $\frac{1}{2}$ ex NW cor.	1	2	5-132 W, M, S. Royer	20.00	16.00	4.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
8	NE 150'	SW 255'		5-134 *			
	SE $\frac{1}{2}$	1	1/3	P. & P. Hamilton	10.00	8.00	2.00
	S pt ex Lts. S			5-135			
	Cor.	1	76	R. & M. Lucier	760.00	608.00	152.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	2	50	5-136			
				F. & D. Charron	400.00	320.00	80.00
	SW 100'	NE 447.3		5-13601 *			
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	2	1/3	L. & B. Lozon	10.00	8.00	2.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts			5-137			
	SE Toulouse Dr.	2	22.289	F. Lucier	180.00	144.00	36.00
	SW 100'	NE 255.3		5-13701 *			
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	2	1/3	G. & D. Robichaud	10.00	8.00	2.00
	NE 100'	SW 200'		5-138 *			
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	2	1/3	Gerald Lucier	10.00	8.00	2.00
	SW 100'	NE $\frac{1}{2}$ NE $\frac{1}{2}$		5-13801			
	SE $\frac{1}{2}$	2	1/3	J. & G. Lucier	10.00	8.00	2.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts.			5-139			
	& pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$						
	NW Toulouse Dr.	2	26.312	D. & A. Lucier	210.00	168.00	42.00
	NE 130'	SW 512'		5-140 *			
	SE $\frac{1}{2}$	3	.6	Yvonne Lucier	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	3	49.4	5-141			
				Felix Lucier	390.00	312.00	78.00
	Pt E $\frac{1}{2}$ S $\frac{1}{2}$	3	1/3	5-142 *			
				O. Lauzon	10.00	8.00	2.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	3	50	5-143			
				E. & P. Tetrault	400.00	320.00	80.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	4	50	5-144			
				Annie Tomen	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	4	49.5	5-145			
				G. Koekuyt	395.00	316.00	79.00
	SW 105'	NE 444'		5-146 *			
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	4	.26	L. & J. Tetrault	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	5	50	5-147			
				C. & M. Van Hove	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	5	50	5-148			
				Orville Charron	400.00	320.00	80.00
	W cor SW $\frac{1}{2}$ SE $\frac{1}{2}$			5-160 *			
	NW Toulouse Dr.	6	1	C. & R. Myers	15.00	12.00	3.00
	SW 100'	SW $\frac{1}{2}$		5-161 *			
	SE $\frac{1}{2}$	6	1/3	O. & L. Tetrault	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pts	6	48.75	5-162			
				G. Blondeel	390.00	312.00	78.00
	NE 325'	NE $\frac{1}{2}$		5-163 *			
	SE $\frac{1}{2}$ (RD105)	6	1	Wayne Myers	15.00	12.00	3.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	6	49	5-164			
				Wm. Burke	390.00	312.00	78.00
	SE $\frac{1}{2}$	7	100	5-165			
				A. & M. DeBaere	800.00	640.00	160.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex			5-166			
	RD 1059	8	49.312	Charles Couturo	395.00	316.00	79.00
	Pt 1 24 R			5-16601 *			
	1059	8	3/4	Rita Couturo	10.00	8.00	2.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log.Grt.	Net Assessment
8	NE½ SE½	8	50	5-167 F. & G. Caron	400.00	320.00	80.00
	SW½ SE½	9	50	5-168 H. & D. Couture	400.00	320.00	80.00
	NE½ SE½	9	50	5-169 L. & M. Poissant	400.00	320.00	80.00
	SW½ SE½	10	50	5-170 M. Ouellette	400.00	320.00	80.00
	NE½ SE½ ex pt	10	49.5	5-171 P. & D. Martin	395.00	316.00	79.00
	NE 150' NE½ SE½	10	.5	5-172 * B. & H. Howard	10.00	8.00	2.00
	SW½ SE½ ex Rd.	11	48	5-173 Helen Bechard	390.00	312.00	78.00
	NE½ SE½	11	50	5-174 O. & M. Louagie	400.00	320.00	80.00
	SW½ SE½ ex pt.	12	49.66	5-175 * W. & B. Hombree	350.00	280.00	70.00
	Pt.	12	1/3	5-176 * D. & I. Butler	10.00	8.00	2.00
	Pt.	12	2.7	5-177 * Caron Grain Ltd.	25.00	20.00	5.00
	SE pt NE½ SE½ ex pt	12	17.73	5-178 Gertrude Mayers	120.00	96.00	24.00
	SE 1/3 NW pt NE½ SE½ ex pts.	12	8.83	5-179 Noella Roberts	60.00	48.00	12.00
	Pt E Cor S10 Acrs. N 30 Ac E½ S½	12	2/3	5-180 G. & A. Lozon	10.00	8.00	2.00
	Pt N cor S 10 Ac N 30 Ac E½ S½	12	.50	5-181 N. Roberts	10.00	8.00	2.00
	NW 2/3 NW pt NE½ SE½	12	19.797	5-182 H. Bagnall	160.00	128.00	32.00
	SW½ SE½ ex pt SW Boyle Dr.	13	48.6	5-193 H. Bagnall	200.00	160.00	40.00
	NW½	Lt. 1, 2, & 3	290	5-200 Big Pointe Club	2,320.00	1,856.00	464.00
	SW½ NW½	4	50	5-202 Clifford Lauzon	400.00	320.00	80.00
	NE½ NW½	4	50	5-203 John Roberts et al	400.00	320.00	80.00
	SW½ SW½ NW½	5	25	5-204 John Roberts	200.00	160.00	40.00
	NE½ SW½ NW½ & NE½ NW½	5	75	5-205 O. & T. Lozon	600.00	480.00	120.00
	SW½ NW½	6	50	5-216 O. & T. Lozon	400.00	320.00	80.00
	NE½ NW½	6	50	5-217 L. & J. Tetrault	400.00	320.00	80.00
	SW½ NW½	7	50	5-218 Aimo Labadie	400.00	320.00	80.00
	NE½ NW½	7	50	5-219 P. Pinsonneault	400.00	320.00	80.00
	SW½ SW½ NW½ ex pt.	8	24	5-220 P. Pinsonneault	195.00	156.00	39.00

Con. Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
8 NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & pt SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ 8	26	5-221 P. Pinsonneault	205.00	164.00	41.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 8	50	5-222 P. Pinsonneault	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 9	50	5-223 H. & L. Ouellette	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 9	50	5-224 L. Bourgeois Est.	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ 10	50	5-225 D. Sylvain	400.00	320.00	80.00
NE $\frac{1}{2}$ NW $\frac{1}{2}$ 10	50	5-226 D. Sylvain	400.00	320.00	80.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ SE Boyle Drain 11	60	5-227 L. Ouellette	480.00	384.00	96.00
NW pt SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt NW Boyle Dr. 11	12.5	5-228 J. & B. Robinson	100.00	80.00	20.00
NE 260' SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ 11	2.46	5-229 R. & M. Drow	25.00	20.00	5.00
NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ 11	25	5-230 Victor Mallette	200.00	160.00	40.00
NE cor W $\frac{1}{2}$ N $\frac{1}{2}$ 12	1	5-231 * H. Sylvain	10.00	8.00	2.00
Pt on W $\frac{1}{2}$ N $\frac{1}{2}$ 12	.40	5-232 * G. & T. Gagnon	5.00	4.00	1.00
SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt 12	48	5-233 N. & A. Benoit	335.00	268.00	67.00
RP Lots 594	26 & 27 3/5	5-234 * L. & J. Brown	10.00	8.00	2.00
Lot	28 1/3	5-235 * J. & K. Butler	5.00	4.00	1.00
Lot	29 1/3	5-236 * L. & A. Ouellette	5.00	4.00	1.00
RP 594 All & 587	25 1.2	5-237 * Twp. of Dover	10.00	8.00	2.00
All	24 1/3	5-238 A. & B. Daniel	5.00	4.00	1.00
All	23 .17	5-239 * J. & V. Belanger	5.00	4.00	1.00
All	22 .2	5-240 * L. Porreault	5.00	4.00	1.00
NW pt	30 .21	5-241 * W. & Y. Fobb	5.00	4.00	1.00
Pt.	30 .22	5-242 * L. & I. Benoit	5.00	4.00	1.00
	21 .18	5-24201 L. & V. Emery	5.00	4.00	1.00
All	20 .32	5-243 * J. Benoit	5.00	4.00	1.00
	19 .15	5-244 * N. & A. Benoit	5.00	4.00	1.00
8 Pt Lt ex pts	12 16.61	5-245 N. & A. Benoit	115.00	92.00	23.00
	18 .18	5-246 * R. & L. Dulong	5.00	4.00	1.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
8		17 .19	5-247 *			
			C. & E. Emery	5.00	4.00	1.00
RP		16 .18	5-248 *			
587			D. Alexander	5.00	4.00	1.00
		15 .18	5-249			
			S. & C. Trahan	5.00	4.00	1.00
		14 .21	5-250 *			
			Elsie Demers	5.00	4.00	1.00
		13 .17	5-251 *			
			R. & D. Lozon	5.00	4.00	1.00
RP 587	31 & 13	1/3	5-252 *			
& 594			J. Koekuyt	5.00	4.00	1.00
RP 594	32	1/3	5-253 *			
			R. & R. Myers	5.00	4.00	1.00
RP 587	SE pt Lot 11		5-254 *			
	& pt 4 24 R 960	½	D. & A. Benoit	5.00	4.00	1.00
RP 594	Block B 7 Pt. Dr.	½	5-255 *			
			S. & J. Laprise	5.00	4.00	1.00
RP 587	Pt Lt. 11 & 12	½	5-256 *			
			A. Demers	5.00	4.00	1.00
8	SE½ NE½ NW½	12 25	5-276			
			R. Normandin	175.00	140.00	35.00
	SW½ SE½	15 25	5-198			
			J. L. Pinsonneault	125.00	100.00	25.00
	NE½ SE½	15 50	5-199			
			R. & G. DeDecker	300.00	240.00	60.00
	SW½ NW½	15 25	5-295			
			Orville Lucier	150.00	120.00	30.00
	NE½ NW½	15 50	5-296			
			H. Marchand	300.00	240.00	60.00
	SW½ SE½	16 50	6-106			
			A. & B. Faubert	300.00	240.00	60.00
	NE½ SE½	16 50	6-107			
			Harold James	300.00	240.00	60.00
	SW½ SW½ SE½	17 25	6-108			
			Leo Harris	150.00	120.00	30.00
	NE½ SW½ SE½	17 20	6-10801			
			Robt. Harris	120.00	96.00	24.00
	NW½ ex pt	16 99.5	6-114			
			D. Cadotte	590.00	472.00	118.00
	NE 136.25' SW		6-113 *			
	521.25 NW½	16 ½	G. Cadotte	10.00	8.00	2.00
	SW½ NW½	17 40	6-115 *			
			M. & G. Devolder	250.00	200.00	50.00
9	Pt Lots 1, 2, 3 & 4	337	5-301			
			Big Pointe Club	2,700.00	2,160.00	540.00
	SE½	5 100	5-302			
			O. & T. Lozon	800.00	640.00	160.00
	SW½	6 100	5-303			
			R. & J. L'Ecuyer	800.00	640.00	160.00
	NE½	6 100	5-304			
			R. & H. Cartier	800.00	640.00	160.00
	Pt. 1 RD 94		5-305 *			
	S½ W½	7 1	Joanne Griffore	10.00	8.00	2.00
Pr3						

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
9	SE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	7	24	5-306 B. Griffore	190.00	152.00	38.00
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	7	24.6	5-307 A. & G. Bechard	195.00	156.00	39.00
	Pt.	7	.4	5-30701 * Roland Bechard	10.00	8.00	2.00
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	7	25	5-308 Barney Griffore	200.00	160.00	40.00
	SE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	7	24	5-309 Almo Labadie	190.00	152.00	38.00
	Pt on S $\frac{1}{2}$ E $\frac{1}{2}$ S $\frac{1}{2}$	7	1	5-310 * Almo Labadie	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt	8	48.5	5-311 L. & L. Emery	390.00	312.00	78.00
	NE 181.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	8	1 $\frac{1}{2}$	5-312 * Harvey Toulouse	15.00	12.00	3.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Dr.	8	48	5-313 S. & M. Letourneau	390.00	312.00	78.00
	SW pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	9	23	5-314 Edna Brown	185.00	148.00	37.00
	NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	9	22.66	5-315 L. & H. Ouellette	185.00	148.00	37.00
	NE pt SW $\frac{1}{2}$ SE $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ SE $\frac{1}{2}$ SE Boyle Drain	9	47	5-316 L. Caron	375.00	300.00	75.00
	NE 80' NE pt NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	1/3	5-317 * J. & M. DeKieviet	10.00	8.00	2.00
	Pt. SW $\frac{1}{2}$ pt 1 24R 1023	9	.9	5-31701 * J. & J. Graham	15.00	12.00	3.00
	SW $\frac{1}{2}$ ex pts	10	96.58	5-318 E. & V. Emery	775.00	620.00	155.00
	SE pt SW $\frac{1}{2}$	10	2.5	5-319 * R.C. Corporation	20.00	16.00	4.00
	Pt. SW cor E $\frac{1}{2}$	10	2	5-320 D. Sylvaln	15.00	12.00	3.00
	S $\frac{1}{2}$ E $\frac{1}{2}$ ex Church Land	10	45.5	5-321 L. & C. Roelans	365.00	292.00	73.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$	11	50	5-322 A. Bourgeois	400.00	320.00	80.00
	SW 264' NE 3/4 SE $\frac{1}{2}$	11	7.5	5-323 M. & S. Gagner	60.00	48.00	12.00
	SE $\frac{1}{2}$ NE 3/4 ex pt	11	69	5-324 O. & E. Cartier	550.00	440.00	110.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	25	5-325 H. Malette	175.00	140.00	35.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	25	5-326 J. & B. L'Ecuyer	175.00	140.00	35.00
RP 598	Lot 2		$\frac{1}{4}$	5-327 * Stellio Delanghe	5.00	4.00	1.00
		3	1/6	5-328 * C. & H. Chevalier	5.00	4.00	1.00
		1	11	5-330 R. & R. Trahan	65.00	52.00	13.00

Con.	Lot or Pt. Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
5	NE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 14	15	5-349 O. & B. Couture	90.00	72.00	18.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	14	15 5-353 R. & L. Myers	90.00	72.00	18.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	15	20 5-350 O. & B. Couture	120.00	96.00	24.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	15	25 5-351 Orville Lucier	150.00	120.00	30.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	15	50 5-352 C. & P. Caron	300.00	240.00	60.00
	NW $\frac{1}{2}$	15	100 5-384 E. & P. Caron	700.00	560.00	140.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	16	50 7-021 Bishop Farms Ltd.	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	16	50 7-022 Bishop Farms Ltd.	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	27	10 7-023 J. & M. Capiau	60.00	48.00	12.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$					
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	5	75 5-361 M. Lozon	600.00	480.00	120.00
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	5	25 5-362 Manson Lozon	200.00	160.00	40.00
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$	5	25 5-363 Henry Griffore	200.00	160.00	40.00
	SE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	5	25 5-364 Henry Griffore	200.00	160.00	40.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ ex pt. 7	49				
			5-365 Alvin Griffore	395.00	316.00	79.00
	NE pt NW Boyle Drain	7	1 5-366 * D. & B. Lozon	10.00	8.00	2.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	8	25 5-367 K. & S. Young	200.00	160.00	40.00
	NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	8	25 5-368 Terre-du-Lac Farms	200.00	160.00	40.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Drain	8	52 5-369 Terre-du-Lac Farms	415.00	332.00	83.00
	SW pt SW $\frac{1}{2}$ NW $\frac{1}{2}$					
	NW Boyle Dr.	9	27 5-370 L. & V. Poissant	215.00	172.00	43.00
	NE pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Dr.	9	27 5-371 W. & B. Benoit	215.00	172.00	43.00
	NE pt SW $\frac{1}{2}$ NW $\frac{1}{2}$ & SW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$ NW Boyle Dr.	9	53 5-372 W. Benoit	425.00	340.00	85.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	10	50 5-373 O. Emery	400.00	320.00	80.00
	NW $\frac{1}{2}$ NE 3/4 ex pt	11	75 5-374 O. & E. Cartier	600.00	480.00	120.00
	NE 124' SW 1497'					
	NW $\frac{1}{2}$ NE 3/4	11	1/2 5-375 E. & D. Bouilley	10.00	8.00	2.00
	NW $\frac{1}{2}$ ex pt	12	99.65 5-376 O. & E. Cartier	700.00	560.00	140.00
	Pt 1 24 R646	12	1/3 5-37601 * S. Stefina et al	10.00	8.00	2.00
	Pr3					

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
10	Lts. 2, 3, 4, 5, & pt. 6	200	5-391 Big Pointe Club	1,600.00	1,280.00	320.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	6	5-392 R. & J. L'Ecuycr & DVA	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	6	5-393 Ovila Lozon	400.00	320.00	80.00
	W $\frac{1}{2}$ ex pt N. Boyle Dr.	7	5-394 Alvin Griffiore	790.00	632.00	158.00
	S pt S $\frac{1}{2}$	7	5-395 Dale Emery	300.00	240.00	60.00
	SE $\frac{1}{2}$	8	5-396 Odilas Emery	800.00	640.00	160.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	9	5-397 L. & V. Poissant	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	5-398 Wilfred Bonolt	185.00	148.00	37.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	5-399 Terro-du-Lac Farms	200.00	160.00	40.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	10	5-400 Orville Cartier	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	10	5-401 Theode Emery Est.	200.00	160.00	40.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	10	5-402 O. Cartier Est.	200.00	160.00	40.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	11	5-403 Dorsey Labadie	400.00	320.00	80.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	11	5-404 W. Cartier	200.00	160.00	40.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$	11	5-405 Adelard Brown Est.	200.00	160.00	40.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$	12	5-406 Adelard Brown Est.	200.00	160.00	40.00
	NE 3/4 SE $\frac{1}{2}$ ex pt 12	40	5-407 V. & B. Letourneau	300.00	240.00	60.00
	NE cor NW $\frac{1}{2}$ N Boyle Dr.	7	5-414 Big Pointe Club	10.00	8.00	2.00
	NW pt NE $\frac{1}{2}$ NW $\frac{1}{2}$	7	5-415 O. & L. Tetrault	60.00	48.00	12.00
	Pt. N12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	3	5-416 D. Hebert	25.00	20.00	5.00
	N 59 $\frac{1}{2}$ Ac ex N 12 $\frac{1}{2}$ Ac E $\frac{1}{2}$	7	5-417 Leo Lauzon	375.00	300.00	75.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$ ex Rd	8	5-418 Henry Myers Est.	380.00	304.00	76.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	8	5-419 Hector Myers	390.00	312.00	78.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ & NW $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	9	5-420 Hector Myers	245.00	196.00	49.00
	Pt. on W $\frac{1}{2}$ W $\frac{1}{2}$ N $\frac{1}{2}$	9	5-421 * L. & A. Myers	10.00	8.00	2.00
	SW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$ & SE $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	9	5-422 M. L'Ecuycr	300.00	240.00	60.00
	NE $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	9	5-423 Jacob Cartier	210.00	168.00	42.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
10	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	10	25	5-424 Jacob Cartier	200.00	160.00	40.00
	NE 3/4 NW $\frac{1}{2}$	10	75	5-425 R. A. Cartier	600.00	480.00	120.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	11	50	5-426 R. A. Cartier	400.00	320.00	80.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	11	50	5-427 Anna Brown	400.00	320.00	80.00
	NW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	12	25	5-428 D. Brown Est.	175.00	140.00	35.00
	NW $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{2}$	12	25	5-429 V. & I. Demers	175.00	140.00	35.00
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	12	30	5-430 A. Brown Est.	200.00	160.00	40.00
	NW pt SE $\frac{1}{2}$	13	20	8-001 S. V. Letourneau	150.00	120.00	30.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	14	20	8-005 H. A. Myers Est.	150.00	120.00	30.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	14	40	8-006 B. Emery	275.00	220.00	55.00
	SE $\frac{1}{2}$	15	100	8-007 J. Caron	700.00	560.00	140.00
	NW $\frac{1}{2}$	13	100	8-008 L. Letourneau	700.00	560.00	140.00
	SW $\frac{1}{2}$ NW $\frac{1}{2}$	14	50	8-009 V. & I. Demers	350.00	280.00	70.00
	NE $\frac{1}{2}$ NW $\frac{1}{2}$	14	50	8-010 Bishop Farms Ltd.	350.00	280.00	70.00
	NW $\frac{1}{2}$ ex pt.	15	90	8-011 A. & R. Couture	600.00	480.00	120.00
	SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$	16	10	7-058 Arsend Couture	50.00	40.00	10.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt.	16	49.66	7-037 A. & D. Emery	340.00	272.00	68.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	16	25	7-038 R. & L. Myers	175.00	140.00	35.00
	SW 122.5' NW 122.5' SW $\frac{1}{2}$ SE $\frac{1}{2}$	16	1/3	7-036 * R. & L. Ouellette	10.00	8.00	2.00
11	SE $\frac{1}{2}$	6 & 7	110	8-016 Big Pointe Club	880.00	704.00	176.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	8	50	8-017 D. & Y. O'Neil	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	8	50	8-018 N. L'Ecuyer	400.00	320.00	80.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	9	50	8-019 N. L'Ecuyer	400.00	320.00	80.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	9	50	8-020 R. & N. Cartier	400.00	320.00	80.00
	SE $\frac{1}{2}$	10	100	8-021 R. & H. Cartier	800.00	640.00	160.00
	SW 3/4 SE $\frac{1}{2}$	11	75	8-022 L. & R. Demers	600.00	480.00	120.00
	NE $\frac{1}{4}$ SE $\frac{1}{2}$	11	25	8-023 C. Brown	200.00	160.00	40.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
11	SW½ SE½	12	50	8-024 Clemence Brown	400.00	320.00	80.00
	NE½ SE½ ex pt.	12	49.655	8-025 D. Brown Est.	390.00	312.00	78.00
	NW 100' SE 233.29' NE 150' of NE½ SE½	12	1/3	8-02501 * C. & M. Brown	10.00	8.00	2.00
	SE½	13	100	8-026 Henry Couture	700.00	560.00	140.00
	SE½	14	50	8-027 P. Pinsonneault	350.00	280.00	70.00
	SE½	15	10	8-028 S. McDonald & V. Lusk	50.00	40.00	10.00
RP 409	Lot 1 N½ Lot 2 SW pt Lot	4	.5	8-029 * Donald Rakus	250.00	200.00	50.00
		7	.03	8-030 * Ben Jacobs	25.00	20.00	5.00
	All	5 & 6	.67	8-031 * Donald Rakus	190.00	152.00	38.00
	NE pt	4	.11	8-032 * Donald Rakus	100.00	80.00	20.00
	NE pt	3	.11	8-034 * Jacob Bourdeau	100.00	80.00	20.00
	Pt 1,2,3, & 4		1.0	8-035 * S. & P. Vincent	300.00	240.00	60.00
	All 21, 22, 23, & 24		1.33	8-038 * Sam Dinsmore	200.00	160.00	40.00
11	Pt ex lots	8	93.847	8-039 Bay Lodge Inc.	800.00	640.00	160.00
RP 409	All	8 & 9	.55	8-051 * Donald Rakus	126.00	100.80	25.20
		10	.22	8-052 * R. Nowak	50.00	40.00	10.00
		11	.22	8-053 * L. Profota	50.00	40.00	10.00
	SW½	12	.11	8-054 * L. Profota	25.00	20.00	5.00
	NE½ Lt 12 & SW½ Lt 13		.16	8-055 * A. & P. Profota	40.00	32.00	8.00
	NE 3/4	13	.16	8-056 * Bonnie Lozon	40.00	32.00	8.00
		14	.22	8-057 * T. & S. Paczency	50.00	40.00	10.00
	SW½	15	.11	8-058 * D. & R. Bochar	25.00	20.00	5.00
	NE½	15	.11	8-059 * Y. & G. Laliberte	25.00	20.00	5.00
		16	.22	8-060 * H. & V. Mailloux	50.00	40.00	10.00
		17	.22	8-061 * W. & M. McGavin	50.00	40.00	10.00
	SW½	18	.4	8-062 * A. Irwin	25.00	20.00	5.00
	NE½	18	.11	8-063 * A. Irwin	25.00	20.00	5.00
Pr3							

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
RP 409	19 & 20	.44	8-064 * R. Vandermergle	100.00	80.00	20.00
11	Pt S of RP 409	8	8-065 * D. Rakus	300.00	240.00	60.00
	NE cor NE $\frac{1}{2}$	8	8-076 * Lawrence Lozon	100.00	80.00	20.00
	NW $\frac{1}{2}$	9 & 10	8-077 * H, R, & K. Rex	1,600.00	1,280.00	320.00
	NW $\frac{1}{2}$	11	8-078 L. & D. Griffore	800.00	640.00	160.00
	NW $\frac{1}{2}$ NW $\frac{1}{2}$	12	8-079 Alvin Griffore	400.00	320.00	80.00
	SE $\frac{1}{2}$ NW $\frac{1}{2}$	12	8-080 Alvin Griffore	400.00	320.00	80.00
	NW $\frac{1}{2}$	13	8-081 J. & R. Demers	700.00	560.00	140.00
	NW $\frac{1}{2}$ ex pt	14	8-082 Chatelaine Farms	450.00	360.00	90.00
12	Pt SE $\frac{1}{2}$ SE $\frac{1}{2}$	11	8-092 * A. & C. Emery	10.00	8.00	2.00
	SE $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 11 & 12	96.789	8-093 C. & G. Griffore	760.00	608.00	152.00
	NW 100' of NE 146' SE $\frac{1}{2}$ SE $\frac{1}{2}$	12	8-094 * D. & S. Carroll	10.00	8.00	2.00
	NW $\frac{1}{2}$ SE $\frac{1}{2}$ ex pt. 11 & 12	99	8-095 A. & Y. Griffore	790.00	632.00	158.00
	Pt. 1 RD 262	12	8-096 R. & B. Jacques	10.00	8.00	2.00
	SW $\frac{1}{2}$ SE $\frac{1}{2}$	13	8-097 George Lozon	390.00	312.00	78.00
	NE $\frac{1}{2}$ SE $\frac{1}{2}$	13	8-098 Harold Burke	400.00	320.00	80.00
	Ct pt SE pt SE Rankin Creek	14	8-099 H. Ouellette	90.00	72.00	18.00
	SW pt SE pt SE Rankin Creek	15	8-102 A. & J. Aerts	275.00	220.00	55.00
	Pt NW $\frac{1}{2}$	10	8-219 * J. M. Moffat Ent.	125.00	100.00	25.00
	All ex lts. & W 16 Ac.	10	8-218 L. Pinsonneault	1,200.00	960.00	240.00
	NW part	11	8-286 * Dover Township	200.00	160.00	40.00
	SW 145' NE 1302.13 SE 300'	11	8-287 * M. & G. Debie	20.00	16.00	4.00
	SW 50' NE 1157.13 SE 148'	11	8-288 * M. & G. Debie	5.00	4.00	1.00
	SW 50' NE 1107.13 SE 148'	11	8-289 * M. & G. Debie	5.00	4.00	1.00
	SW 100' NE 1057.13' SE 148'	11	8-290 * D. Baumgardener	10.00	8.00	2.00
	SW 48' NE 957.13' SE 148'	11	8-291 * C. & M. Sauter	5.00	4.00	1.00
	SW 52' NE 909.13' SE 148'	11	8-292 * R. Bechard	5.00	4.00	1.00

Con.	Lot or Pt.	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leq. Grt.	Net Assessment
12	SW 150' NE 857.13' SE 148' 11	3/5	8-293 * B. Hubbard	15.00	12.00	3.00
	SW 100' NE 707.13' SE 148' 11	2/5	8-294 * R. & J. Wigchort	10.00	8.00	2.00
	SW 100' NE 607.13' SE 148' 11	2/5	8-295 * J. & A. Carbonneau	10.00	8.00	2.00
	SW 250' NE 507.13' SE 148' 11	1	8-296 * W. & T. Olsen	25.00	20.00	5.00
	SW 100' NE 257.13' SE 148' 11	2/5	8-297 R. Boychuk	10.00	8.00	2.00
	SW 66' NE 157.13' SE 148' 11	.22	8-298 Dover Township	10.00	8.00	2.00
	NW 1/2 ex Park 11	82.44	8-299 L. Pinsonneault	660.00	528.00	132.00
	NE 91.13 pts of NW pt 11 ex RP 419 11	.31	8-300 * M. & J. Carroll	10.00	8.00	2.00
RP 419	SW 297' 1	1.35	8-301 * E. Dunlop Estate	30.00	24.00	6.00
	NE pt 1 & SW 1 & H pt 4	.41	8-302 * Hugh Turner	10.00	8.00	2.00
	Ct pt. H	.45	8-303 * J. & B. Potts	10.00	8.00	2.00
	NE pt. H	1/2	8-304 * M. Urquhart	10.00	8.00	2.00
12	NE cor NW 1/2 NW 1/2 12	.95	8-305 * F. Hellogards	10.00	8.00	2.00
	NW 1/2 NW 1/2 ex pt. 12	48	8-306 L. Pinsonneault	385.00	308.00	77.00
	SE 1/2 NW 1/2 12	50	8-307 E. Dunlop Estate	400.00	320.00	80.00
	SE 1/2 NW 1/2 13	30	8-104 Ross Dunlop	210.00	168.00	42.00
	NW 1/2 NW 1/2 13	40	8-105 O. & V. Burke	280.00	224.00	56.00
13	NW pt NE pt SE 1/2 11	12.607	8-358 Hilliard Allen	100.00	80.00	20.00
	Part 24 R 603 11	.06	8-35801 * Ministry of Environment	10.00	8.00	2.00
RP 419	Lot K ex 24 R 603 K	7.043	8-359 Hilliard Allen	60.00	48.00	12.00
	Pt. J	.71	8-392 * R. & G. Prezockl	20.00	16.00	4.00
	Pt SW 40' NE 193.5 J	.20	8-394 * W. Van Ooston	10.00	8.00	2.00
	Pt SW 80' NE 353.5 J	.40	8-395 * E. & A. McFadden	20.00	16.00	4.00
	Pt. SW 80' NE 273.5' J	.40	8-396 * R. Boychuk	20.00	16.00	4.00
	Pt. SW 80' J	.40	8-397 * H. & E. Brown	20.00	16.00	4.00
RP 235	All Lots 1 & 50	.80	8-406 * Wm. Kellar	20.00	16.00	4.00
	All 2	.2	8-407 * H. & B. Lozon	10.00	8.00	2.00

Con.	Lot or Pt.Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
RP 235	All	49	.2	8-408 *		
	Lt 3 & NE½		J. & G. Thompson	10.00	8.00	2.00
	Lot 4	4	8-409 *			
	Lt 48 & NE½		M. Templeton	15.00	12.00	3.00
	Lot 47		8-410 *			
		.30	T. McDonald	15.00	12.00	3.00
	Lts. 5 & 46 &		8-411 *			
	SW pts. Lts. 4 to 47	.60	B. Tewkosbury	15.00	12.00	3.00
	6 & 7	.40	8-412 *			
			N. Miles	15.00	12.00	3.00
	Lt 45 & NE½	44	8-413 *			
			E. & C. Brown	15.00	12.00	3.00
	8	1/5	8-414 *			
			W. & N. Knight	10.00	8.00	2.00
	Lt. 43 & SW pt 44	.30	8-415 *			
			R. & L. King	15.00	12.00	3.00
	Lts. 9, 10, 41 & 42	4/5	8-416 *			
			L. Dunlop	20.00	16.00	4.00
	Lts. 11 & 40	.4	8-417 *			
			W. & B. Hembre	15.00	12.00	3.00
	Lts. 12, 13, 38 & 39	.8	8-418 *			
			C. & C. Burdon	20.00	16.00	4.00
	Lts. 14 to 37	.4	8-419 *			
			P. & N. MacDonald	15.00	12.00	3.00
	Lts. 15, 16, 35 & 36	.8	8-420 *			
			C. Winter	20.00	16.00	4.00
	Lts. 18 & 33	.44	8-421 *			
			J. & O. Crawford	15.00	12.00	3.00
	Lts. 17 & 34	.4	8-422 *			
			E. & M. Simpson	15.00	12.00	3.00
	Lts. 19, 20, 21, 30, 31, & 32	1.20	8-423 *	25.00	20.00	5.00
			Richard Walker in Trust			
	Lot 28	.25	8-424 *			
			E. Beausejour	10.00	8.00	2.00
	Lot 29	.20	8-425 *			
			Mitchells Bay Inn	10.00	8.00	2.00
	Lots 22 & 23	.4	8-426 *			
			R. Bunnett	15.00	12.00	3.00
	Lot 24	.2	8-427 *			
			L. & E. Beausejour	10.00	8.00	2.00
	Lot 27	.2	8-428 *			
			L. & E. Beausejour	10.00	8.00	2.00
	Lots 25 & 26	.4	8-429 *			
			R. Bunnett in Trust	15.00	12.00	3.00
RP 419	SE 1/3	M	.09	8-430 *		
			R. Bunnett in Trust	10.00	8.00	2.00
	NW 2/3	M	.18	8-431 *		
			R. Bunnett in Trust	10.00	8.00	2.00
	Lot G	.35	8-432 *			
			Anglican Church	15.00	12.00	3.00
	NW pt	G	.10	8-43201 *		
			Dover Township	10.00	8.00	2.00
	SW 66'	F	.32	8-433		
			Shirley McDonald	15.00	12.00	3.00
	Pr3					

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
RP 419	Ct Pt.	F	.37	8-434 * D. & B. Lachance	15.00	12.00	3.00
	NE pt	F	.40	8-435 * Marle Broadbent	15.00	12.00	3.00
	NE pt	D	.42	8-436 * A. & N. Jarczak	15.00	12.00	3.00
13	Lots C, B, & A		.60	8-437 * A. & R. Lozon	20.00	16.00	4.00
	Pt NE RP 419	12	.90	8-438 * A. & R. Lozon	25.00	20.00	5.00
13	SE ½ ex pts	12	93.574	8-439 H. & L. Allen	745.00	596.00	149.00
	SE pt SE ½	12	3	8-440 * E. Roberts	40.00	32.00	8.00
	SE pt SE ½	12	.35	8-441 * L. & T. Rankin	15.00	12.00	3.00
	SW ½ SE ½	13	25	8-116 M. & C. Burke	175.00	140.00	35.00
	NW ½ ex pt.	12	96.5	8-123 D. Normandin	775.00	620.00	155.00
	SW ½ NW ½	13	49.81	8-131 G. DeMayer	390.00	312.00	78.00
	SW ½ NW ½	14	10	8-133 Walter Mills	70.00	56.00	14.00
14	All ex Creek & lots	13	193	8-167 Rankin Creek Farms	1,540.00	1,232.00	308.00
	SW 1/3 SW ½ ex pt.	14	28.2	8-191 Raymond Loyst	225.00	180.00	45.00
	NE 104' SW 1/3 SW ½	14	5	8-192 M. Van Houten	40.00	32.00	8.00
	NE 2/3 SW ½	14	66.48	8-193 Norm L'Ecuier	530.00	424.00	106.00
	NE ½	14	99.719	8-194 Walter Mills	800.00	640.00	160.00
	SE ½	15	45	8-195 N. & M. Dewar	315.00	252.00	63.00
	NW ½	15	98	8-196 B. Lewis	785.00	628.00	157.00
	NE ½ SW ½ SE ½ & NE ½ SE ½	16	40	9-070 W. Lewis	280.00	224.00	56.00
	SE ½	17	50	9-071 L. Lewis Estate	350.00	280.00	70.00
	SW ½ SE ½ & SW Pt. NE ½ SE ½	18	10	9-072 A. & M. Crawford	70.00	56.00	14.00
	SW ½ NW ½	16	40	9-094 J. McGrail	280.00	224.00	56.00
	NE ½ NW ½	16	50	9-095 W. & J. McGrail	350.00	280.00	70.00
	SW ½ NW ½ ex pt	17	49.075	9-096 W. & J. McGrail	350.00	280.00	70.00
	Pt 1 24 R 817	17	.93	9-09601 * F. & D. Dobruyne	10.00	8.00	2.00
	NE ½ NW ½	17	50	9-097 Malcolm Crawford	350.00	280.00	70.00
	Pr3						

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	Net Assessment
14	NW $\frac{1}{4}$	18	90	9-098 Malcolm Crawford	630.00	504.00	126.00
	NW pt NW $\frac{1}{4}$ NW McLeod Ck. ex SE pt	19	50	9-100 Malcolm Crawford	300.00	240.00	60.00
	Ct pt SE pt NW $\frac{1}{4}$ SE Bear Creek	19	2.303	9-101 Malcolm Crawford	15.00	12.00	3.00
	NW pt SE pt NW $\frac{1}{4}$ SE Bear Creek	19	8	9-102 J. & V. Crowe	55.00	44.00	11.00
	NE pt NW $\frac{1}{4}$ NE Little Bear Creek	20	10	9-10801 C. & M. Crow	70.00	56.00	14.00
BDW		36	70	9-109 D. & K. Rose	490.00	392.00	98.00
BDE		36	75	9-110 John Gordon	530.00	424.00	106.00
14	NW $\frac{1}{4}$ NW $\frac{1}{2}$ ex Rd.	24	20	9-111 E. Hensel	137.50	110.00	27.50
	SE $\frac{1}{4}$ NW $\frac{1}{2}$	24	20	9-112 R. Hunter	137.50	110.00	27.50
15	SE $\frac{1}{4}$	15	100	9-122 O. Verhaege	800.00	640.00	160.00
	SW $\frac{1}{4}$	16	100	9-123 O. Verhaego	800.00	640.00	160.00
	NE $\frac{1}{4}$ ex NW pt	16	85	9-124 J. Griffore Est.	680.00	544.00	136.00
	NW pt NE $\frac{1}{4}$	16	15	9-125 J. Davidson	120.00	96.00	24.00
	SW pt ex NW pt	17	83	9-126 D. Griffore	665.00	532.00	133.00
	NW pt SW $\frac{1}{4}$	17	17	9-127 J. Davidson	135.00	108.00	27.00
	NE $\frac{1}{4}$	17	100	9-128 E. Griffore	800.00	640.00	160.00
	SW $\frac{1}{4}$	18	100	9-129 D. Dunlop	800.00	640.00	160.00
	NE $\frac{1}{4}$ Lot 18	18 & 19	300	9-130 M. Crawford	2,400.00	1,920.00	480.00
	NW 216' NE 130' SE $\frac{1}{4}$ S River Ck	20	.4	9-131 * J. & J. Martin	10.00	8.00	2.00
	NE pt ex pts NE Lt. Bear Ck.	20	100	9-132 Carl Roe Est.	800.00	640.00	160.00
	NW pt NW pt NE pt NE L. Bear Ck.	20	16.5	9-134 Oliver Boswell	130.00	104.00	26.00
	Pt. NW pt NE pt NE L Bear Ck.	20	16.5	9-133 C. Handsor & W. Needham	130.00	104.00	26.00
	SE pt NW pt NE pt L. Bear Creek	20	3	9-135 K. D. Rose	25.00	20.00	5.00
BDW All		37	100	9-141 A, H, M Rose	700.00	560.00	140.00
	SE $\frac{1}{4}$ ex pt	38	45	9-142 A, H, B, Rose	315.00	252.00	63.00
	NE pt SE $\frac{1}{4}$	38	5	9-143 B. & R. Rose	35.00	28.00	7.00
	NW $\frac{1}{4}$	38	50	9-144 K. & D. Rose	350.00	280.00	70.00

Pr3

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Leg. Grt.	$\frac{1}{2}$ Net Assessment
BDE	NW pt	38	7.79	9-145 L. & G. Handsor	55.00	44.00	11.00
	NW 165' SW 528'			9-146			
	NW pt	38	2	Velma Roso	15.00	12.00	3.00
	SE pt	38	90	9-147 K. & D. Rose	625.00	500.00	125.00
		37	100	9-148 Donald Gordon	700.00	560.00	140.00
15	SE $\frac{1}{2}$	24	25	9-149 J. & M. McGrail	175.00	140.00	35.00
	SW pt ex SE pt SW L Bear Creek	20	54	9-150 M. Crawford	430.00	344.00	86.00
	SE pt SW pt SW L Bear Creek	20	5	9-15001 D.G.R. Crawford	40.00	32.00	8.00
BDW	NW $\frac{1}{2}$	39	50	9-151 Oliver Boswell	400.00	320.00	80.00
	SE $\frac{1}{2}$	39	50	9-152 C. Handsor & W. Needham	400.00	320.00	80.00
BDE	SE pt	39	20.318	9-153 L. & G. Handsor	140.00	112.00	28.00
	NW pt	39	81	9-154 F. & M. Van Boven	565.00	452.00	113.00
15	SW pt NW $\frac{1}{2}$ SW Maxwell Cr.	24	9	9-155 F. Van Boven	65.00	52.00	13.00
	NW $\frac{1}{2}$ ex pt	24	40	9-156 R. & L. Van Damme	250.00	200.00	50.00
16	Pts. Lt. 16 & 17		34.5	9-162 J. Davidson	275.00	220.00	55.00
	NE pt	17	25	9-164 L. & M. Dunlop	200.00	160.00	40.00
	SW $\frac{1}{2}$	18	21	9-165 Lawrence Dunlop	168.00	134.40	33.60
	SW pt NE $\frac{1}{2}$	18	1.5	9-166 Malcolm Crawford	15.00	12.00	3.00
BDW	All ex NW pt NE $\frac{1}{2}$	40	82.5	9-179 G. & M. VandeVelde	660.00	528.00	132.00
	NW pt NE $\frac{1}{2}$	40	17.5	9-180 National Bank of Detroit	140.00	112.00	28.00
BDE	Pt.	41	1.8	9-185 * Norris Dolsen	15.00	12.00	3.00
	Pt.	41	2.076	9-186 * R. Haviland	20.00	16.00	4.00
	All	40	30	9-187 D, M, J, Gordon	210.00	168.00	42.00
17	NW pt	19	46	9-223 G. & E. Courteaux	370.00	296.00	74.00
18	Lot 19 & SW pt 1		55	10-001 G. & E. Courteaux	440.00	352.00	88.00
	NE pt 1, SW pt 2 ex pts.		90	10-002 G. & E. Courteaux	720.00	576.00	144.00
	Pt. Lts. 1 & 2		.55	10-00201 * R. & D. Courteaux	10.00	8.00	2.00
	NE pt Lot 2 & SW Pt. Lot 3		184	10-004 Dover Farms Ltd.	1,470.00	1,176.00	294.00

Con.	Lot or Pt.	Lot	Acres Affected	Owner or Assessed Owner	Total Assessment	Est. Log. Grt.	Net Assessment
18	NE pt	3	71	10-005 E. & B. Rabideau	570.00	456.00	114.00
	All	4	174	10-006 * Libby McNeil & Libby	1,400.00	1,120.00	280.00
	SW pt NW pt SW ½ NW Given Rd. & SW Rabideau Dr. ex.pt.	5	5.75	10-008 B. Snobelen et al	45.00	36.00	9.00
	Pt. NE 88' SW 769' SE 100' of SW pt NW pt SW ½ NW Given Rd.	5	.25	10-009 G. & H. Franssen	10.00	8.00	2.00
	SW ½ ex SW pts NW pt NW Given Rd. ex pts SE Rd.	5	91.75	10-010 G. Rabideau Est.	735.00	588.00	147.00
	SW 132' NE 1232' NW 180' SE Given Road	5	.55	10-011 * D. Rabideau	10.00	8.00	2.00
	SW 70' NE 1100' NW 180' SE Given Rd.	5	.30	10-012 * D. Rabideau	10.00	8.00	2.00
	SW 61' NE 1030' NW 180' SE Given Rd.	5	.27	10-013 * A. & D. Rabideau	10.00	8.00	2.00
	SW 66' NE 964' NW 180' SE Given Rd.	5	.27	10-014 * Annie Rabideau	10.00	8.00	2.00
	NE ½ ex pts.	5	96	10-015 Geo. Rabideau Est.	770.00	616.00	154.00
	SW 154' NE 484' NE ½	5	6	10-016 * G. Frye Holdings	50.00	40.00	10.00
	NW 330' NE 269' NE ½	5	2	10-017 * D. Carroll	20.00	16.00	4.00
	Township Roads			7-045 * Township of Dover	34,967.00	27,973.60	6,993.40
	County Roads			8-226 * County of Kent	7,538.00	6,030.40	1,507.60
					<u>266,000.00</u>	<u>212,800.00</u>	<u>53,200.00</u>

LANDS:	<u>Publicly Owned</u>	
	iii) Municipal	33,875.00
	<u>Privately Owned</u>	
	i) Not for Agricultural Purposes	16,399.00
	ii) Agricultural	215,726.00
	Estimated Provincial Grant	<u>\$212,600.00</u>

4th. For paying the sum of \$6,775.00, the amount assessed against such roads and lands of the municipality, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the Township of Dover in one year after the passing of this by-law.

5th. This by-law comes into force on the passing thereof, and may be cited as the "1973 Emergency Repair of Various Banks Protecting Low Lying Areas By-law of 1976."

First Reading August 3, 1976.

Second Reading August 3, 1976.

Third Reading _____

ENACTED this _____ day of _____, 19____.

R. W. Gagner, Clerk-Treasurer

James McGrall, Reeve.

N O T I C E

NOTICE is hereby given that the Court of Revision will hold its first sitting at 515 Grand Avenue West, Chatham, on the 20th day of September 1976, at 7:00 o'clock in the evening, for the hearing and trial of complaints and appeals made against the above assessment or any part thereof, in the manner provided for by the Drainage Act, 1962 - 63, a notice of such complaint or appeal to be served on the Clerk of the said Municipality at least ten days before the first sitting of the said Court of Revision.

AND further notice is hereby given that anyone intending to appeal to have the said By-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the said Municipality, of his intention to make application for that purpose to the Drainage Referee, during the six weeks ensuing the final passing of this By-law.

Dated this 30th day of August, 1976.

Pr3

R. W. Gagner,
Clerk-Treasurer.

An Act respecting the
Township of Dover

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. SPENCE

(*Private Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Canada Trustco Mortgage Company**

MR. PETERSON

BILL Pr4

1977

An Act respecting Canada Trustco Mortgage Company

WHEREAS Canada Trustco Mortgage Company hereby ^{Preamble} represents that it was incorporated in 1864 under the name The Huron and Erie Savings and Loan Society, pursuant to *An Act respecting Building Societies*, being chapter 53 of the Consolidated Statutes for Upper Canada, 1859, enacted by the late Legislative Council and Assembly of Canada; that by chapter 95 of the Statutes of Ontario, 1875-76, the name of the Company was changed to The Huron and Erie Loan and Savings Company; that by chapter 86 of the Statutes of Ontario, 1915, the name of the Company was changed to The Huron and Erie Mortgage Corporation; that by order in council dated April 15, 1976, the name of the Company was changed to Canada Trustco Mortgage Company; that the Company has from time to time petitioned the Senate and House of Commons of Canada for legislation and, in addition, the Legislature of the Province of Ontario for legislation and also the Lieutenant Governor in Council for various orders in council which have been granted; and whereas for many years the applicant has been deemed to have been incorporated under the laws of Canada and to be governed by the *Loan Companies Act* (Canada), and has from time to time obtained letters patent and supplementary letters patent under such Act; and whereas a question has been raised as to the effect of Confederation upon the incorporating jurisdiction of companies, including the applicant, incorporated pursuant to legislation enacted by the late Legislative Council and Assembly of Canada prior to Confederation; and whereas the applicant hereby represents that it is governed by the *Loan Companies Act* (Canada) and for greater certainty desires authority to the extent that the same may be required to apply for letters patent under such Act; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1970,
c. L-12

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Application
to Minister
of Consumer
and Corpor-
ate Affairs
authorized
R.S.C. 1970,
c. L-12

1. Canada Trustco Mortgage Company be and it is hereby authorized to apply to the Minister of Consumer and Corporate Affairs of Canada pursuant to section 7 of the *Loan Companies Act* (Canada) for letters patent continuing the said Company as a company incorporated by letters patent pursuant to the *Loan Companies Act* (Canada).

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Canada Trustco Mortgage Company Act, 1977*.

An Act respecting
Canada Trustco Mortgage Company

1st Reading

2nd Reading

3rd Reading

MR. PETERSON

(Private Bill)

BILL Pr4

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Canada Trustco Mortgage Company**

MR. PETERSON

T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr4

1977

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Commence-
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2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Canada Trustco Mortgage Company Act, 1977*.

An Act respecting
Canada Trustco Mortgage Company

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. PETERSON

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of York

MR. MACDONALD

BILL Pr5

1977

An Act respecting the Borough of York

WHEREAS The Corporation of the Borough of York, ^{Preamble}
 herein called the Corporation, hereby represents that
 it is desirable to provide that the Corporation may prohibit
 persons from smoking in elevators within the Borough; and
 whereas the Corporation hereby applies for special legislation
 for such purposes; and whereas it is expedient to grant the
 application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. Notwithstanding the provisions of any other general or <sup>Smoking in
elevators</sup>
 special Act, the council of the Corporation may pass by-laws
 to prohibit persons from smoking or carrying lighted cigars,
 cigarettes or pipes in elevators within the Borough of York
 to which the provisions of *The Elevators and Lifts Act* apply. <sup>R.S.O. 1970,
c. 143</sup>

2. A by-law passed under the authority of this Act shall ^{Penalties}
 be enforceable in the same manner as a by-law passed under
 the authority of *The Municipal Act* and any such by-law <sup>R.S.O. 1970,
c. 284</sup>
 may impose penalties of not more than \$1,000, exclusive of
 costs, upon every person who contravenes any provision of
 the by-law.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
 Assent.

4. This Act may be cited as *The Borough of York Act*, ^{Short title}
 1977.

An Act respecting the Borough of York

1st Reading

2nd Reading

3rd Reading

MR. MACDONALD

(Private Bill)

BILL Pr5

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of York

MR. MACDONALD

BILL Pr5

1977

An Act respecting the Borough of York

WHEREAS The Corporation of the Borough of York, ^{Preamble}
 herein called the Corporation, hereby represents that
 it is desirable to provide that the Corporation may prohibit
 persons from smoking in elevators within the Borough; and
 whereas the Corporation hereby applies for special legislation
 for such purposes; and whereas it is expedient to grant the
 application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. Notwithstanding the provisions of any other general or <sup>Smoking in
elevators</sup>
 special Act, the council of the Corporation may pass by-laws
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 the authority of *The Municipal Act* and any such by-law
 may impose penalties of not more than \$1,000, exclusive of
 costs, upon every person who contravenes any provision of
 the by-law. <sup>R.S.O. 1970,
c. 284</sup>

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
 Assent.

4. This Act may be cited as *The Borough of York Act*, ^{Short title}
 1977.

An Act respecting the Borough of York

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. MACDONALD

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Webwood Investments Limited

MR. STONG

BILL Pr6

1977

Act Act respecting Webwood Investments Limited

WHEREAS Walter Charles Chomsky hereby represents Preamble
that Webwood Investments Limited, hereinafter called
the Corporation, was incorporated by letters patent dated
the 5th day of December, 1967; that the Minister of
Consumer and Commercial Relations by order dated the
30th day of August, 1972, and made under the authority
of subsection 3 of section 251 of *The Business Corporations* R.S.O. 1970,
c. 53
Act cancelled the letters patent of the Corporation for
default in filing annual returns and declared the Cor-
poration to be dissolved on the 4th day of October, 1972;
that the applicant was the only director and the holder of
all the common shares of the Corporation at the time of its
dissolution; that the notice of default in filing annual
returns required by the said section 251 of *The Business*
Corporations Act, although sent to the applicant as director,
was not received by him and he was not aware of the dis-
solution of the Corporation until more than two years
after the date thereof; that the Corporation was carrying
on active business at the time of its dissolution; and whereas
the applicant hereby applies for special legislation reviving
the Corporation; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. Webwood Investments Limited, incorporated by letters Webwood
Investments
Limited
revived
patent dated the 5th day of December, 1967, is hereby
revived and is, subject to any rights acquired by any
person after its dissolution, hereby restored to its legal
position as a company incorporated by letters patent,
including all its property, rights, privileges and franchises
and subject to all its liabilities, contracts, disabilities and
debts, as at the date of its dissolution, in the same manner
and to the same extent as if it had not been dissolved.

Commence-
ment **2.** This Act comes into force on the day it receives
Royal Assent.

Short title **3.** This Act may be cited as *The Webwood Investments
Limited Act, 1977*.

An Act respecting Webwood
Investments Limited

1st Reading

2nd Reading

3rd Reading

MR. STONG

(Private Bill)

BILL Pr6

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Webwood Investments Limited

MR. STONG

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr6

1977

Act Act respecting Webwood Investments Limited

WHEREAS Walter Charles Chomsky hereby represents ^{Preamble} that Webwood Investments Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 5th day of December, 1967; that the Minister of Consumer and Commercial Relations by order dated the 30th day of August, 1972, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act* cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 4th day of October, 1972; that the applicant was the only director and the holder of all the common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said section 251 of *The Business Corporations Act*, although sent to the applicant as director, was not received by him and he was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation was carrying on active business at the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; ^{R.S.O. 1970, c. 53}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Webwood Investments Limited, incorporated by letters patent dated the 5th day of December, 1967, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. ^{Webwood Investments Limited revived}

Commence-
ment **2.** This Act comes into force on the day it receives
Royal Assent.

Short title **3.** This Act may be cited as *The Webwood Investments
Limited Act, 1977*.

An Act respecting Webwood
Investments Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. STONG

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
the Brockville General Hospital**

MR. McCAGUE

BILL Pr7

1977

An Act respecting the Brockville General Hospital

WHEREAS the Brockville General Hospital hereby repre- Preamble
sents that it was incorporated in 1885 under *An Act*
respecting Benevolent, Provident and other Societies, being
chapter 167 of the Revised Statutes of Ontario, 1877; that
the records of such incorporation having been lost, the incor-
poration was confirmed by *The Brockville General Hospital*
Act, 1951, being chapter 98; and whereas the applicant hereby
applies for special legislation expanding the purposes of the
Hospital; and whereas it is expedient to grant the applica-
tion;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. Section 2 of *The Brockville General Hospital Act, 1951*, ^{1951, c. 98,}
being chapter 98, is amended by adding thereto the follow- ^{s. 2,} amended
ing clauses:

- (ea) To establish, maintain and conduct a nursing home
or nursing homes, as defined by *The Nursing Homes* ^{1972, c. 11}
Act, 1972, in the City of Brockville, in the County
of Leeds or elsewhere in the County of Leeds.
- (eb) To establish, maintain and conduct a residence
or residences for the elderly or aged persons in
the City of Brockville, in the County of Leeds or
elsewhere in the County of Leeds.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Brockville General* ^{Short title}
Hospital Act, 1977.

An Act respecting
the Brockville General Hospital

1st Reading

2nd Reading

3rd Reading

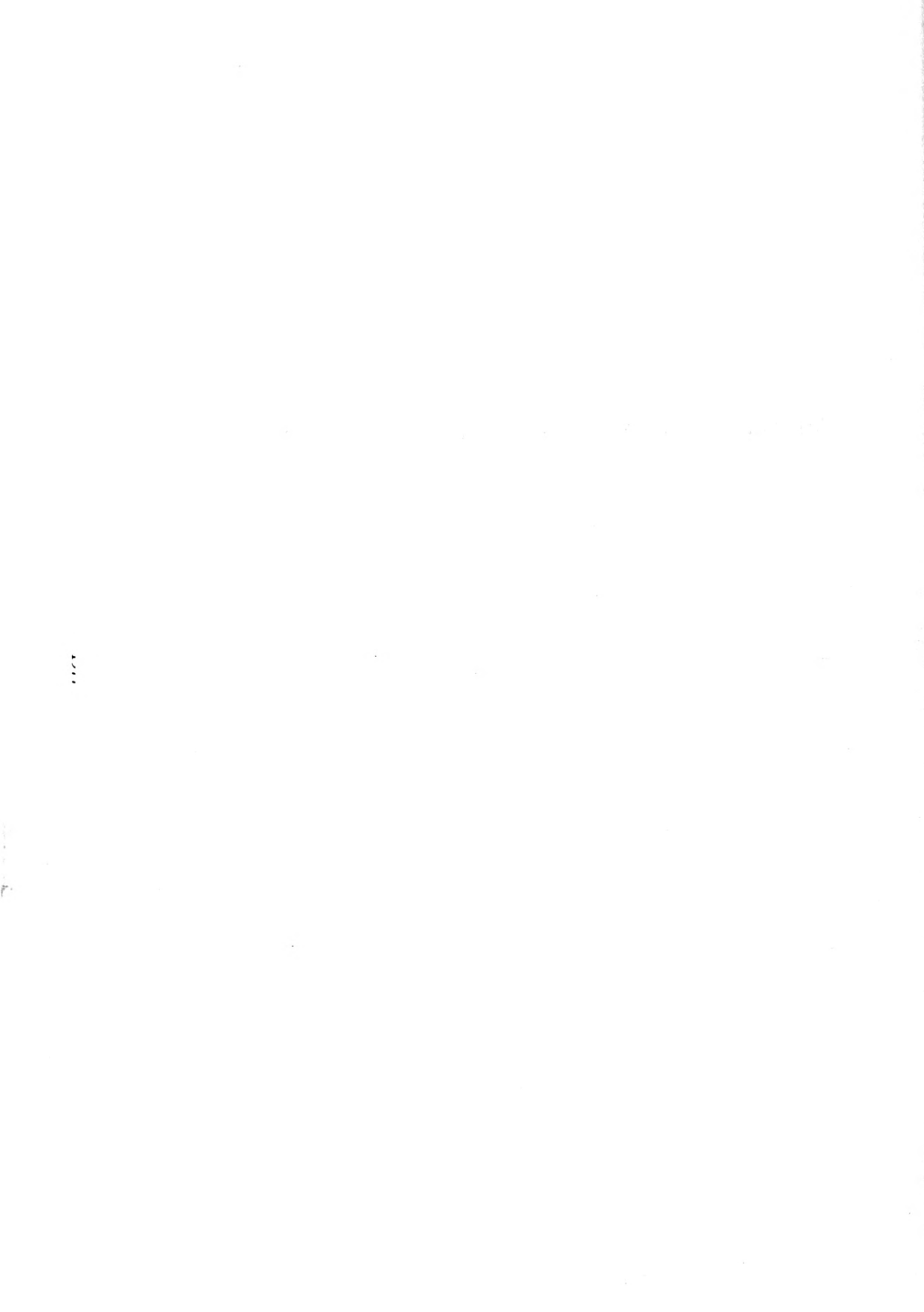
MR. MCCAGUE

(Private Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of Scarborough

MR. DREA



BILL Pr8

1977

An Act respecting the Borough of Scarborough

WHEREAS The Corporation of the Borough of Scar- Preamble
borough, herein called the Corporation, hereby applies
for special legislation in respect of the matter hereinafter
set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.—(1) The council of the Corporation may pass by-laws, Council
may pass
by-laws
requiring
removal
of litter
- (a) to require the occupants of commercial establish-
ments, retail stores and restaurants to daily remove
all litter from the sidewalks abutting the commercial
establishment, store or restaurant, including side-
walks in shopping centres;
 - (b) to require the owner of a shopping centre to daily
remove all litter from the common areas including
the parking lot but not including the sidewalks
abutting stores or restaurants;
 - (c) to require the occupants of commercial establish-
ments, including retail stores and restaurants, with
a common parking lot appurtenant thereto, that are
situate on lands other than on a shopping centre,
to daily remove all litter from the parking lot.

(2) A by-law passed under the authority of this section Enforcement
shall be enforceable in the same manner as a by-law passed
under the authority of *The Municipal Act* and any such R.S.O. 1970,
c. 284
by-law may impose penalties of not more than \$1,000,
exclusive of costs, upon every person who contravenes any
provision of the by-law.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of Scarborough Act, 1977*.

An Act respecting the
Borough of Scarborough

1st Reading

2nd Reading

3rd Reading

MR. DREA

(Private Bill)

BILL Pr8

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of Scarborough

MR. DREA

BILL Pr8

1977

An Act respecting the Borough of Scarborough

WHEREAS The Corporation of the Borough of Scar- Preamble
borough, herein called the Corporation, hereby applies
for special legislation in respect of the matter hereinafter
set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.—(1) The council of the Corporation may pass by-laws, Council
may pass
by-laws
requiring
removal
of litter
- (a) to require the occupants of commercial establish-
ments, retail stores and restaurants to daily remove
all litter from the sidewalks abutting the commercial
establishment, store or restaurant, including side-
walks in shopping centres;
 - (b) to require the owner of a shopping centre to daily
remove all litter from the common areas including
the parking lot but not including the sidewalks
abutting stores or restaurants;
 - (c) to require the occupants of commercial establish-
ments, including retail stores and restaurants, with
a common parking lot appurtenant thereto, that are
situate on lands other than on a shopping centre,
to daily remove all litter from the parking lot.

(2) A by-law passed under the authority of this section Enforcement
shall be enforceable in the same manner as a by-law passed
under the authority of *The Municipal Act* and any such R.S.O. 1970.
c. 284
by-law may impose penalties of not more than \$1,000,
exclusive of costs, upon every person who contravenes any
provision of the by-law.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of Scarborough Act, 1977*.

An Act respecting the
Borough of Scarborough

1st Reading

April 26th, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

Mr. DREA

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of East York

MR. LELUK

BILL Pr9

1977

An Act respecting the Borough of East York

WHEREAS The Corporation of the Borough of East ^{Preamble} York, herein called the Corporation, hereby represents that it is desirable to provide permit parking for a fee on specified places on specified streets or highways; and whereas the Corporation hereby applies for special legislation in respect thereof; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The council of the Corporation may by by-law, ^{Permit for parking}
- (a) allow the parking of motor vehicles at specified places on designated highways or designated parts of highways for specified periods and during specified hours pursuant to permits issued;
 - (b) charge such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides;
 - (c) provide for the commencement, expiry and cancellation of permits and the refunding of the unexpired portion of the fee;
 - (d) prohibit the parking, standing or stopping of motor vehicles at any place on the designated highways or the designated parts of highways during specified hours except by authority of a permit issued; and
 - (e) provide for exemptions from parking, standing or stopping prohibitions of any by-law of the Corporation regulating traffic where a permit is issued.

When
by-law
becomes
operative

R.S.O. 1970,
c. 201

(2) No by-law passed under subsection 1, which affects a highway designated as a connecting link or extension of the King's Highway pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act*, shall come into force until approved by the Minister of Transportation and Communications.

Interpre-
tation
R.S.O. 1970,
c. 202

(3) For the purpose of this section, "motor vehicles" do not include commercial motor vehicles as defined in *The Highway Traffic Act*, and do not include campers, trailers and motor homes.

Removing
or tagging
offending
vehicles

(4) A constable or a by-law enforcement officer upon complaint of the person to whom a permit has been issued or upon discovery of any motor vehicle parking, standing or stopping in contravention of any provision of a by-law passed pursuant to this section may,

R.S.O. 1970,
c. 267

(a) cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges of removing the motor vehicle and the storage thereof, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided under section 48 of *The Mechanics' Lien Act*; or

(b) attach to the motor vehicle a serially numbered parking tag in accordance with the traffic by-law of The Municipality of Metropolitan Toronto.

Voluntary
payment

R.S.O. 1970,
c. 284

(5) A by-law passed pursuant to this section may provide a procedure for the voluntary payment of penalties and the amount of the penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies.

Penalty

(6) Every person who contravenes any provision of a by-law passed pursuant to this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of East York Act, 1977*.

An Act respecting the
Borough of East York

1st Reading

2nd Reading

3rd Reading

MR. LEUK

(Private Bill)

BILL Pr9

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of East York

MR. LELUK

BILL Pr9

1977

An Act respecting the Borough of East York

WHEREAS The Corporation of the Borough of East Preamble
York, herein called the Corporation, hereby represents
that it is desirable to provide permit parking for a fee on
specified places on specified streets or highways; and whereas
the Corporation hereby applies for special legislation in
respect thereof; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

- 1.—(1) The council of the Corporation may by by-law, Permit for parking
- (a) allow the parking of motor vehicles at specified places on designated highways or designated parts of highways for specified periods and during specified hours pursuant to permits issued;
 - (b) charge such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides;
 - (c) provide for the commencement, expiry and cancellation of permits and the refunding of the unexpired portion of the fee;
 - (d) prohibit the parking, standing or stopping of motor vehicles at any place on the designated highways or the designated parts of highways during specified hours except by authority of a permit issued; and
 - (e) provide for exemptions from parking, standing or stopping prohibitions of any by-law of the Corporation regulating traffic where a permit is issued.

When
by-law
becomes
operative

R.S.O. 1970,
c. 201

(2) No by-law passed under subsection 1, which affects a highway designated as a connecting link or extension of the King's Highway pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act*, shall come into force until approved by the Minister of Transportation and Communications.

Interpre-
tation
R.S.O. 1970,
c. 202

(3) For the purpose of this section, "motor vehicles" do not include commercial motor vehicles as defined in *The Highway Traffic Act*, and do not include campers, trailers and motor homes.

Removing
or tagging
offending
vehicles

(4) A constable or a by-law enforcement officer upon complaint of the person to whom a permit has been issued or upon discovery of any motor vehicle parking, standing or stopping in contravention of any provision of a by-law passed pursuant to this section may,

R.S.O. 1970,
c. 267

(a) cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges of removing the motor vehicle and the storage thereof, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided under section 48 of *The Mechanics' Lien Act*; or

(b) attach to the motor vehicle a serially numbered parking tag in accordance with the traffic by-law of The Municipality of Metropolitan Toronto.

Voluntary
payment

R.S.O. 1970,
c. 284

(5) A by-law passed pursuant to this section may provide a procedure for the voluntary payment of penalties and the amount of the penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies.

Penalty

(6) Every person who contravenes any provision of a by-law passed pursuant to this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of East York Act, 1977*.

An Act respecting the
Borough of East York

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. LELUK

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Lombardo Furniture and Appliances Limited**

MR. BURR

BILL Pr11

1977

An Act respecting Lombardo Furniture and Appliances Limited

WHEREAS Fernando Ferrera and Grace Ferrera hereby Preamble
represent that Lombardo Furniture and Appliances Limited, herein called the Corporation, was incorporated by letters patent dated the 2nd day of September, 1958; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation and declared it to be dissolved on the 29th day of April, 1965; that the applicants were all the directors and the holders of all the shares of the Corporation at the time of the said dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to each of the applicants as directors, was not received by any of them; that the applicants did not become aware of the dissolution of the Corporation within one year after the date thereof and therefore did not take steps to remedy such default and no action was taken within the period of one year provided for under the authority of subsection 3 of section 326 of *The Corporations Act*; that by virtue of the cancellation of letters patent of the Corporation the assets thereof became forfeit to the Crown in right of the Province of Ontario pursuant to section 330 of *The Corporations Act*; that the Corporation at the time of its dissolution was carrying on active commercial business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Lombardo Furniture and Appliances Limited, incorporated by letters patent dated the 2nd day of September, 1958, is hereby revived and is, subject to any rights acquired Lombardo Furniture and Appliances Limited revived

by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Lombardo Furniture and Appliances Limited Act, 1977*.

An Act respecting Lombardo Furniture
and Appliances Limited

1st Reading

2nd Reading

3rd Reading

MR. BURR

(Private Bill)

BILL Pr11

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Lombardo Furniture and Appliances Limited

MR. BURR

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL Pr11

1977

An Act respecting Lombardo Furniture and Appliances Limited

WHEREAS Fernando Ferrera and Grace Ferrera hereby Preamble
represent that Lombardo Furniture and Appliances Limited, herein called the Corporation, was incorporated by letters patent dated the 2nd day of September, 1958; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation and declared it to be dissolved on the 29th day of April, 1965; that the applicants were all the directors and the holders of all the shares of the Corporation at the time of the said dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to each of the applicants as directors, was not received by any of them; that the applicants did not become aware of the dissolution of the Corporation within one year after the date thereof and therefore did not take steps to remedy such default and no action was taken within the period of one year provided for under the authority of subsection 3 of section 326 of *The Corporations Act*; that by virtue of the cancellation of letters patent of the Corporation the assets thereof became forfeit to the Crown in right of the Province of Ontario pursuant to section 330 of *The Corporations Act*; that the Corporation at the time of its dissolution was carrying on active commercial business; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Lombardo Furniture and Appliances Limited, incorporated by letters patent dated the 2nd day of September, 1958, is hereby revived and is, subject to any rights acquired

Lombardo
Furniture and
Appliances
Limited
revived

by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Lombardo Furniture and Appliances Limited Act, 1977*.

An Act respecting Lombardo Furniture
and Appliances Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

Mr. Burr

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Village of Port McNicoll

MR. SMITH (Simcoe East)

BILL Pr12

1977

An Act respecting the Village of Port McNicoll

WHEREAS The Corporation of the Village of Port McNicoll hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands set forth in the Schedule hereto are hereby vested in The Corporation of the Village of Port McNicoll with an absolute title in fee simple free of and clear from any right, title and interest other than that of the Corporation.

Lands
vested in
Village of
Port
McNicoll

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Village of Port McNicoll Act, 1977*.

Short title

SCHEDULE

All and singular those certain parcels or tracts of lands and premises situate lying and being in the Village of Port McNicoll, in the County of Simcoe and Province of Ontario and being composed of Lots 243, 258, 308 and 309 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan 544, the northerly 104 feet throughout from north to south in perpendicular width of Lot 280 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan Number 558; Lots 773, 774, 973 and 1480 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan Number 569 and Lot 309 according to a Plan registered in the Registry Office for the Registry Division for the County of Simcoe as Plan Number 600.

An Act respecting the
Village of Port McNicoll

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

Mr. SMITH (Simcoe East)

(Private Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Kevalaine Corporation Limited

MR. GROSSMAN

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr13

1977

An Act respecting Kevalaine Corporation Limited

WHEREAS Elaine Davis hereby represents that Kevalaine Corporation Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 14th day of July, 1969; that the Minister of Consumer and Commercial Relations, by order dated the 2nd day of January, 1974, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 6th day of February, 1974; that the applicant was the sole director and shareholder of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by section 251 of *The Business Corporations Act* was sent to the solicitors for the Corporation; that the said notice was received by the solicitors for the Corporation, who through inadvertence failed to file the annual returns for the Corporation for more than two years; that the sole director and shareholder of the Corporation was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was and is now actively carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Kevalaine Corporation Limited, incorporated by letters patent dated the 14th day of July, 1969, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the

Kevalaine
Corporation
Limited
revived

date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Kevalaine Corporation Limited Act, 1977*.

An Act respecting Kevalaine
Corporation Limited

1st Reading

2nd Reading

3rd Reading

MR. GROSSMAN

(Private Bill)

BILL Pr13

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Kevalaine Corporation Limited

MR. GROSSMAN

T O R O N T O

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BILL Pr13

1977

An Act respecting Kevalaine Corporation Limited

WHEREAS Elaine Davis hereby represents that Kevalaine Corporation Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 14th day of July, 1969; that the Minister of Consumer and Commercial Relations, by order dated the 2nd day of January, 1974, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 6th day of February, 1974; that the applicant was the sole director and shareholder of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by section 251 of *The Business Corporations Act* was sent to the solicitors for the Corporation; that the said notice was received by the solicitors for the Corporation, who through inadvertence failed to file the annual returns for the Corporation for more than two years; that the sole director and shareholder of the Corporation was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was and is now actively carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970.
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Kevalaine Corporation Limited, incorporated by letters patent dated the 14th day of July, 1969, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the

Kevalaine
Corporation
Limited
revived

date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Kevalaine Corporation Limited Act, 1977*.

An Act respecting Kevalaine
Corporation Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. GROSSMAN

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
John A. Schmalz Agencies Limited**

MR. BREITHAUPT

BILL Pr14

1977

An Act respecting John A. Schmalz Agencies Limited

WHEREAS John Robert Schmalz hereby represents that Preamble
 John A. Schmalz Agencies Limited was incorporated by letters patent dated the 28th day of December, 1951; that the Minister of Consumer and Commercial Relations by order dated the 22nd day of August, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the corporation and declared it to be dissolved on the 26th day of September, 1973; that notice of default in filing annual returns required by subsection 2 of section 251 of *The Business Corporations Act* was sent to each of the persons of record on the files of the Minister of Consumer and Commercial Relations of whom one, John Robert Schmalz, a director and shareholder of the corporation, is the applicant herein; although the said notice of default was sent to each of the directors of the corporation it was not or apparently was not received by all of them, and in any event, that through inadvertence the necessary annual returns for the corporation were not filed, and the funds for renewal of the charter and the required documentation in connection with the revival of the corporation were apparently not received within the time provided by statute; that the corporation at the time of its dissolution was and is now actively carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the corporation; and whereas it is expedient to grant the application; R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. John A. Schmalz Agencies Limited, incorporated by John A.
Schmalz
Agencies
Limited
revived
 letters patent dated the 28th day of December, 1951, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including

all its property rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The John A. Schmalz Agencies Limited Act, 1977*.

An Act respecting
John A. Schmalz Agencies Limited

1st Reading

2nd Reading

3rd Reading

MR. BREITHAUPT

(Private Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Fred Leblond Cement Products Limited**

MR. MORROW



BILL Pr16

1977

An Act respecting Fred Leblond Cement Products Limited

WHEREAS Juri Kukk, Carol Kukk and William Shewchuk hereby represent that Fred Leblond Cement Products Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 14th day of April, 1965; that the Minister of Consumer and Commercial Relations by order dated the 16th day of May, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of June, 1973; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Fred Leblond Cement Products Limited, incorporated by letters patent dated the 14th day of April, 1965, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Fred Leblond
Cement
Products
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Fred Leblond Cement Products Limited Act, 1977*.

Short title

An Act respecting
Fred Leblond Cement Products Limited

1st Reading

2nd Reading

3rd Reading

MR. MORROW

(*Private Bill*)

BILL Pr16

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Fred Leblond Cement Products Limited

MR. MORROW

BILL Pr16

1977

**An Act respecting
Fred Leblond Cement Products Limited**

WHEREAS Juri Kukk, Carol Kukk and William Shewchuk Preamble
hereby represent that Fred Leblond Cement Products Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 14th day of April, 1965; that the Minister of Consumer and Commercial Relations by order dated the 16th day of May, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of June, 1973; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application; R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Fred Leblond Cement Products Limited, incorporated Fred Leblond
Cement
Products
Limited
revived
by letters patent dated the 14th day of April, 1965, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Fred Leblond Cement Products Limited Act, 1977*. Short title

An Act respecting
Fred Leblond Cement Products Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

Mr. MORROW

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the City of Sault Ste. Marie

MR. LANE

(Reprinted 1st Reading Bill. Correction to section 3)

BILL Pr18

1977

An Act respecting the City of Sault Ste. Marie

WHEREAS The Corporation of the City of Sault Ste. Marie hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The City of Sault Ste. Marie Act, 1957*, being chapter 154, as amended by the Statutes of Ontario, 1967, chapter 127, section 1, is further amended by adding thereto the following subsection:

s. 2,
amended

(6a) Where a member of the Commission becomes a member of the Council, he ceases to be a member of the Commission but is eligible to be appointed by the mayor under subsection 2.

Council
members
not
eligible

2. *The City of Sault Ste. Marie Act, 1975*, being chapter 110, is amended by adding thereto the following section:

s. 1a,
enacted

1a. For the purposes of section 1, all specified parcels of land shall be deemed to be subject to the provisions of the parking space requirements of the restricted area by-laws of the municipal corporation in force from time to time under the authority of section 35 of *The Planning Act* notwithstanding that a specified parcel may have been excepted or exempted from the operation of the parking space requirements of the restricted area by-laws of the municipal corporation, either in whole or in part, by specific provisions of such by-laws or by a decision of the Sault Ste. Marie Committee of Adjustment.

Parking
space
requirements,
etc.,
definedR.S.O. 1970,
c. 349

3. Notwithstanding the provisions of *The Education Act, 1974*, commencing with the next regular municipal election to be held in 1978, the public and separate school electors in the City of Sault Ste. Marie shall elect eighteen members to The Sault Ste. Marie Board of Education as follows:

Composition
of Board of
Education
1974, c. 109

1. Two members shall be elected for each ward by the public school electors of that ward.
2. One member shall be elected for each ward by the separate school electors of that ward.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1977*.



An Act respecting the
City of Sault Ste. Marie

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. LANE

*(Reprinted 1st Reading Bill.
Correction to section 3)*

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria,
in Ontario, Canada**

MR. VILLENEUVE

BILL Pr19

1977

**An Act respecting The Roman Catholic
Episcopal Corporation for the Diocese of
Alexandria, in Ontario, Canada**

WHEREAS The Roman Catholic Episcopal Corporation ^{Preamble}
for the Diocese of Alexandria, in Ontario, Canada,
hereby represents that it is a body corporate incorporated
under *An Act to incorporate the Roman Catholic Bishop of
the Diocese of Alexandria in Ontario, Canada*, being chapter 98
of the Statutes of the Province of Ontario, 1891, 54,
Victoria, under the name of "The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria, in Ontario,
Canada"; that in communion with the Church of Rome,
the Bishop of the Diocese of Alexandria, has requested and
had approved a change in the name of the corporation to
"The Roman Catholic Episcopal Corporation for the Diocese
of Alexandria-Cornwall, in Ontario, Canada"; and whereas
the Bishop of the Diocese of Alexandria hereby applies for
special legislation to change the name of the corporation
accordingly; and whereas it is expedient to grant the applica-
tion;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The body corporate established by section 1 of *An Act* ^{Corporation continued under name "The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall, in Ontario, Canada"}
*to incorporate the Roman Catholic Bishop of the Diocese of
Alexandria in Ontario, Canada*, being chapter 98 of the
Statutes of the Province of Ontario, 1891, 54, Victoria,
with the corporate name of "The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria, in Ontario,
Canada" is continued as a body corporate with the corporate
name of "The Roman Catholic Episcopal Corporation for the
Diocese of Alexandria-Cornwall, in Ontario, Canada".

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

3. This Act may be cited as *The Roman Catholic Episcopal* ^{Short title}
Corporation (Diocese of Alexandria) Act, 1977.

An Act respecting
The Roman Catholic Episcopal
Corporation for the Diocese of
Alexandria, in Ontario, Canada

1st Reading

2nd Reading

3rd Reading

MR. VILLENEUVE

(*Private Bill*)

BILL Pr19

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting The Roman Catholic Episcopal Corporation for the Diocese of Alexandria, in Ontario, Canada

MR. VILLENEUVE

T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr19

1977

**An Act respecting The Roman Catholic
Episcopal Corporation for the Diocese of
Alexandria, in Ontario, Canada**

WHEREAS The Roman Catholic Episcopal Corporation ^{Preamble}
for the Diocese of Alexandria, in Ontario, Canada,
hereby represents that it is a body corporate incorporated
under *An Act to incorporate the Roman Catholic Bishop of
the Diocese of Alexandria in Ontario, Canada*, being chapter 98
of the Statutes of the Province of Ontario, 1891, 54,
Victoria, under the name of "The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria, in Ontario,
Canada"; that in communion with the Church of Rome,
the Bishop of the Diocese of Alexandria, has requested and
had approved a change in the name of the corporation to
"The Roman Catholic Episcopal Corporation for the Diocese
of Alexandria-Cornwall, in Ontario, Canada"; and whereas
the Bishop of the Diocese of Alexandria hereby applies for
special legislation to change the name of the corporation
accordingly; and whereas it is expedient to grant the applica-
tion;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The body corporate established by section 1 of *An Act* ^{Corporation continued under name "The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall, in Ontario, Canada"}
*to incorporate the Roman Catholic Bishop of the Diocese of
Alexandria in Ontario, Canada*, being chapter 98 of the
Statutes of the Province of Ontario, 1891, 54, Victoria,
with the corporate name of "The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria, in Ontario,
Canada" is continued as a body corporate with the corporate
name of "The Roman Catholic Episcopal Corporation for the
Diocese of Alexandria-Cornwall, in Ontario, Canada".

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

3. This Act may be cited as *The Roman Catholic Episcopal* ^{Short title}
Corporation (Diocese of Alexandria) Act, 1977.

An Act respecting
The Roman Catholic Episcopal
Corporation for the Diocese of
Alexandria, in Ontario, Canada

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. VILLENEUVE

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Village of Erie Beach

MR. SPENCE

BILL Pr20

1977

An Act respecting the Village of Erie Beach

WHEREAS The Corporation of the Village of Erie Beach hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Village of Erie Beach is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$9,995.28, for the purpose of paying the cost of certain drainage works which have been completed within the said Village shown in the Schedule hereto.

By-law
authorized

2. Sections 55 and 56 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1.

Application
of
R.S.O. 1970,
c. 323, ss. 55, 56

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, and authorizing The Corporation of the Village of Erie Beach to borrow the moneys mentioned in section 1.

Order of
O.M.B.
deemed
issued

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Village of Erie Beach Act, 1977*.

Short title

SCHEDULE

By-law No.	Drain	Costs to be financed
181	Erie Beach Drain, Tap To Robertson Drain and Tap To Carswell Drain.....	\$7,115.00
181A	Erie Beach Drain, Tap To Robertson Drain and Tap To Carswell Drain.....	2,880.28

An Act respecting
the Village of Erie Beach

1st Reading

2nd Reading

3rd Reading

MR. SPENCE

(Private Bill)

BILL Pr20

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Village of Erie Beach

MR. SPENCE

BILL Pr20

1977

An Act respecting the Village of Erie Beach

WHEREAS The Corporation of the Village of Erie Beach hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Village of Erie Beach is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$9,995.28, for the purpose of paying the cost of certain drainage works which have been completed within the said Village shown in the Schedule hereto.

By-law
authorized

2. Sections 55 and 56 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1.

Application
of
R.S.O. 1970,
c. 323, ss. 55, 56

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, and authorizing The Corporation of the Village of Erie Beach to borrow the moneys mentioned in section 1.

Order of
O.M.B.
deemed
issued

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Village of Erie Beach Act, 1977*.

Short title

SCHEDULE

By-law No.	Drain	Costs to be financed
181	Erie Beach Drain, Tap To Robertson Drain and Tap To Carswell Drain.....	\$7,115.00
181A	Erie Beach Drain, Tap To Robertson Drain and Tap To Carswell Drain.....	2,880.28



An Act respecting
the Village of Erie Beach

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. SPENCE

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of North York

MR. WILLIAMS

BILL Pr21

1977

An Act respecting the Borough of North York

WHEREAS The Corporation of the Borough of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws,

Authority to
pass by-laws
for the
removal of
snow, etc.

- (a) requiring the owners of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the exterior steps, sidewalks, walkways, driveways and parking lots on the lands of any class of building so designated and for regulating when and the manner in which the same shall be done, and for providing that in default thereof by the person directed or required to do it, the same shall be done at his expense, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 469 of *The Municipal Act*; and
- (b) establishing a clinic or clinics within the Borough of North York for the spaying or neutering of domestic animals without cost to the owners of such animals, or upon payment to the Corporation of such fees as may be established by the by-laws.

R.S.O. 1970,
c. 284

2.—(1) Notwithstanding section 13 of *The Public Health Act*, the council of the Corporation may by by-law provide that The Local Board of Health of the Borough of North York (hereinafter called the Local Board) shall consist of

Authority to
pass by-laws
providing
for compost-
tion of
North York
Board of
Health
R.S.O. 1970,
c. 377

the mayor and at least five, and not more than nine, resident ratepayers, at least three of whom are not members of the council.

Term
of
office

(2) The members of the Local Board who are not members of the council shall hold office for three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year, and the members of the Local Board who are members of the council shall be appointed annually.

Idem

(3) When a member of the Local Board becomes a member of the council, he ceases to be a member of the Local Board, but is eligible to be appointed annually.

Reappoint-
ment

(4) The members of the Local Board shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancies

(5) Where a member ceases to be a member of the Local Board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Secretary
of
Board

(6) The Local Board shall have a secretary and, unless otherwise provided by the council, the clerk shall be the secretary.

Interpre-
tation

3.—(1) In this section,

(a) “designated fire route” means a fire route so designated by by-law of the Corporation;

(b) “fire route” means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

- (c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws, Power to pass by-laws re fire routes R.S.O. 1970, c. 284

- (a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:
 1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.
 2. The location, the number and the proximity to a building or structure of water hydrants.
 3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed

fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.

4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.
 5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.
 6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;
 - (e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;
 - (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees

and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*; R.S.O. 1970,
c. 284

- (g) authorizing a peace officer or a full-time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

- (3) Part XXI of *The Municipal Act* applies to any by-law passed under this section. Penalties
and
enforcement

- (4) Clause *a* of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by any by-law passed under this section. Idem

- (5) The driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Vehicle
driver
and
owner
liable
for
penalties

- (6) Before passing a by-law pursuant to subsection 2, Notice
of
by-law

- (a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law;
- (b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applied to be heard within four weeks of the notice being sent; and
- (c) a notice sent under this subsection shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

Commence-
ment **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The Borough of North York Act, 1977*.

An Act respecting
the Borough of North York

1st Reading

2nd Reading

3rd Reading

MR. WILLIAMS

(*Private Bill*)

BILL Pr21

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of North York

MR. WILLIAMS

BILL Pr21

1977

An Act respecting the Borough of North York

WHEREAS The Corporation of the Borough of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws,

Authority to
pass by-laws
for the
removal of
snow, etc.

- (a) requiring the owners of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the exterior steps, sidewalks, walkways, driveways and parking lots on the lands of any class of building so designated and for regulating when and the manner in which the same shall be done, and for providing that in default thereof by the person directed or required to do it, the same shall be done at his expense, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 469 of *The Municipal Act*; and
- (b) establishing a clinic or clinics within the Borough of North York for the spaying or neutering of domestic animals without cost to the owners of such animals, or upon payment to the Corporation of such fees as may be established by the by-laws.

R.S.O. 1970,
c. 284

2.—(1) Notwithstanding section 13 of *The Public Health Act*, the council of the Corporation may by by-law provide that The Local Board of Health of the Borough of North York (hereinafter called the Local Board) shall consist of

Authority to
pass by-laws
providing
for composition
of
North York
Board of
Health
R.S.O. 1970,
c. 377

the mayor and at least five, and not more than nine, resident ratepayers, at least three of whom are not members of the council.

Term
of
office

(2) The members of the Local Board who are not members of the council shall hold office for three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year, and the members of the Local Board who are members of the council shall be appointed annually.

Idem

(3) When a member of the Local Board becomes a member of the council, he ceases to be a member of the Local Board, but is eligible to be appointed annually.

Reappoint-
ment

(4) The members of the Local Board shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancies

(5) Where a member ceases to be a member of the Local Board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Secretary
of
Board

(6) The Local Board shall have a secretary and, unless otherwise provided by the council, the clerk shall be the secretary.

Interpre-
tation

3.—(1) In this section,

(a) “designated fire route” means a fire route so designated by by-law of the Corporation;

(b) “fire route” means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

- (c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws,

Power to pass
by-laws re
fire routes
R.S.O. 1970,
c. 284

- (a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:
 1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.
 2. The location, the number and the proximity to a building or structure of water hydrants.
 3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed

fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.

4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.
 5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.
 6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;
- (b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;
 - (e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;
 - (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees

and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*;

R.S.O. 1970,
c. 284

- (g) authorizing a peace officer or a full-time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

- (3) Part XXI of *The Municipal Act* applies to any by-law passed under this section.

Penalties
and
enforcement

- (4) Clause *a* of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by any by-law passed under this section.

Idem

- (5) The driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

Vehicle
driver
and
owner
liable
for
penalties

- (6) Before passing a by-law pursuant to subsection 2,

Notice
of
by-law

- (a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law;
- (b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applied to be heard within four weeks of the notice being sent; and
- (c) a notice sent under this subsection shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Borough of North York Act, 1977*.

An Act respecting
the Borough of North York

1st Reading

April 26th, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

MR. WILLIAMS

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Frank Postl Enterprises Limited

MR. JOHNSTON



BILL Pr24

1977

An Act respecting Frank Postl Enterprises Limited

WHEREAS Frank Postl hereby represents that Frank Preamble
Postl Enterprises Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 17th day of April, 1964; that the Minister of Consumer and Commercial Relations by order dated the 31st day of October, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters R.S.O. 1970,
c. 53
patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 5th day of December, 1973; that the applicant was the director of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Frank Postl Enterprises Limited incorporated by letters Frank Postl
Enterprises
Limited
revived
patent dated the 17th day of April, 1964, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Frank Postl Enterprises* Short title
Limited Act, 1977.

An Act respecting
Frank Postl Enterprises Limited

1st Reading

2nd Reading

3rd Reading

MR. JOHNSTON

(*Private Bill*)

BILL Pr24

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Frank Postl Enterprises Limited

MR. JOHNSTON
(St. Catharines)



BILL Pr24

1977

An Act respecting Frank Postl Enterprises Limited

WHEREAS Frank Postl hereby represents that Frank Preamble
Postl Enterprises Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 17th day of April, 1964; that the Minister of Consumer and Commercial Relations by order dated the 31st day of October, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters R.S.O. 1970,
c. 53 patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 5th day of December, 1973; that the applicant was the director of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Frank Postl Enterprises Limited incorporated by letters Frank Postl
Enterprises
Limited
revived patent dated the 17th day of April, 1964, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Frank Postl Enterprises* Short title
Limited Act, 1977.

An Act respecting
Frank Postl Enterprises Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. JOHNSTON
(St. Catharines)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting Certain Lands
in the Township of Casgrain**

MR. LANE

BILL Pr25

1977

An Act respecting Certain Lands in the Township of Casgrain

WHEREAS Zoel Lambert hereby represents that as the Preamble
owner of certain lands, being part of broken Lot 24,
in Concession IX of the Township of Casgrain in the Ter-
ritorial District of Cochrane registered under *The Land* R.S.O. 1970,
c. 234
Titles Act as Parcel 3276 in the Register for Centre Cochrane,
he caused to be filed, in the Office of Land Titles at Cochrane,
on the 17th day of July, 1957, a plan of subdivision of the
said lands as Plan No. M193 Cochrane; that Block C and
Block D on the said Plan were dedicated by him as public
lands and designated on the Plan as "Public Park" and
"Public Beach" respectively; that by re-entry from Parcel
3276 Centre Cochrane the said Blocks C and D are entered
in Parcel 4804 Centre Cochrane as Public Highways; that
the said Blocks C and D are not required nor suitable for
public use; that there is alternative and better public access
to the waters of Lac Ste. Therese on which such Blocks abut
or to which they are adjacent; that benefit would accrue
to the adjacent lands and the owners thereof if the said
Blocks C and D were restored to private ownership; and
whereas the applicant hereby applies for special legislation
vesting the said Blocks C and D in him in fee simple, free
of any public or other right, title and interest; and whereas
it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The lands, situate in the Township of Casgrain in the Lands vested
in
Zoel Lambert
Territorial District of Cochrane, and being composed of
Block C and Block D as shown on a plan, filed in the land
registry office for The Land Titles Division of Cochrane
(No. 6) as No. M193 Cochrane, are hereby vested in Zoel
Lambert of the Township of Casgrain in the District of
Cochrane, Clergyman, in fee simple, free of any right, title,
interest or trust.

Filing
of Act

2. Zoel Lambert shall file a copy of this Act, within sixty days after it comes into force, in the land registry office for The Land Titles Division of Cochrane (No. 6).

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Casgrain Township Lands Act, 1977*.

An Act respecting Certain Lands
in the Township of Casgrain

1st Reading

2nd Reading

3rd Reading

MR. LANE

(*Private Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting The Perfume & Cosmetics
Bars Limited**

MR. PETERSON

BILL Pr27

1977

An Act respecting The Perfume & Cosmetics Bars Limited

WHEREAS Chester Mill hereby represents that The Preamble
 Perfume & Cosmetics Bars Limited was incorporated
 by letters patent dated the 7th day of March, 1945; that
 the Minister of Consumer and Commercial Relations by
 order dated the 10th day of January, 1973, and made under
 the authority of section 251 of *The Business Corporations* R.S.O. 1970,
 c. 53
Act, cancelled the letters patent of the corporation for
 default in filing annual returns and declared the corporation
 to be dissolved on the 14th day of February, 1973; that the
 applicant was the sole director and the holder of the common
 shares of the corporation at the time of its dissolution; and
 that the corporation at the time of its dissolution was and
 is now carrying on an active business in premises owned
 by it and known as 350 Talbot Street, London, Ontario;
 and whereas the applicant hereby applies for special legis-
 lation reviving the corporation; and whereas it is expedient
 to grant the application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. The Perfume & Cosmetics Bars Limited, incorporated The Perfume
 & Cosmetics
 Bars Limited
 revived
 by letters patent dated the 7th day of March, 1945, is
 hereby revived and is, subject to any rights acquired by
 any person after its dissolution, hereby restored to its
 legal position as a company incorporated by letters patent,
 including all its property, rights, privileges and franchises
 and subject to all its liabilities, contracts, disabilities and
 debts as at the date of its dissolution in the same manner
 and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
 ment
 Assent.

3. This Act may be cited as *The Perfume & Cosmetics* Short title
Bars Limited Act, 1977.

An Act respecting The Perfume &
Cosmetics Bars Limited

1st Reading

2nd Reading

3rd Reading

MR. PETERSON

(Private Bill)

BILL Pr27

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting The Perfume & Cosmetic Bars Limited

MR. PETERSON

T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr27

1977

An Act respecting The Perfume & Cosmetic Bars Limited

WHEREAS Chester Mill hereby represents that The ^{Preamble} Perfume & Cosmetic Bars Limited was incorporated by letters patent dated the 7th day of March, 1945; that the Minister of Consumer and Commercial Relations by order dated the 10th day of January, 1973, and made under the authority of section 251 of *The Business Corporations Act*, cancelled the letters patent of the corporation for default in filing annual returns and declared the corporation to be dissolved on the 14th day of February, 1973; that the applicant was the sole director and the holder of the common shares of the corporation at the time of its dissolution; and that the corporation at the time of its dissolution was and is now carrying on an active business in premises owned by it and known as 350 Talbot Street, London, Ontario; and whereas the applicant hereby applies for special legislation reviving the corporation; and whereas it is expedient to grant the application; ^{R.S.O. 1970, c. 53}

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Perfume & Cosmetic Bars Limited, incorporated ^{The Perfume & Cosmetic Bars Limited} by letters patent dated the 7th day of March, 1945, is ^{revived} hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Perfume & Cosmetic Bars* ^{Short title} *Limited Act, 1977*.

An Act respecting The Perfume &
Cosmetic Bars Limited

1st Reading

April 21st, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

MR. PETERSON

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the City of Ottawa

MR. MORROW

BILL Pr28

1977

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, Preamble
hereinafter called the Corporation, hereby applies for
special legislation in respect of the matters hereinafter set
forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1.—(1) In this section, “tenant” means a tenant within Interpre-
tation
R.S.O. 1970,
c. 236
the meaning of *The Landlord and Tenant Act*.

(2) Notwithstanding any general or special Act, the council By-law
authorizing
payment
R.S.O. 1970,
c. 32
of the Corporation may pass by-laws authorizing and directing
the treasurer of the Corporation to make payments to tenants
of residential real property that is separately assessed under
The Assessment Act in the City of Ottawa of a uniform
amount to be determined by the council of the Corporation in
like manner and upon the same terms and conditions as if
such tenant were an owner of real property entitled to a uni-
form credit against real property taxes under *The Municipal* 1973, c. 154
Elderly Resident's Assistance Act, 1973.

2.—(1) In this section, “non-refillable container” means a Interpre-
tation
container that will not be accepted for reuse as a container
by retail vendors, distributors, processors or the manu-
facturer or manufacturers of soft drinks.

(2) Notwithstanding any general or special Act, the Prohibition
council of the Corporation may pass by-laws prohibiting the
sale within the City of Ottawa of soft drinks in non-
refillable containers.

(3) Part XXI of *The Municipal Act* applies *mutatis mutandis* Penalties
and
enforcement
R.S.O. 1970,
c. 284
to a by-law passed under this section.

3. Notwithstanding any general or special Act, where Power to
suspend or
revoke
licence
the council of the Corporation is authorized to pass by-laws

for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, the council of the Corporation or a committee thereof, to be known as the Licence Committee, is authorized to suspend or revoke any such licence.

Suspension
of licences

4.—(1) Notwithstanding any general or special Act, where the council of the Corporation is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, the council of the Corporation may by by-law authorize the Chief Licence Inspector of the Corporation to suspend any such licence for such time and subject to such conditions as the by-law may provide.

Idem

(2) No suspension of a licence by the Chief Licence Inspector is effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the Licence Committee of the council of the Corporation after the suspension, whichever occurs first.

Interpre-
tation

5.—(1) In this section, "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

Right of
entry by
inspectors
R.S.O. 1970,
c. 349
1966, c. 179

(2) An inspector appointed by the Corporation to enforce by-laws passed under the authority of section 35 of *The Planning Act*, section 8 of *The City of Ottawa Act, 1966* or section 7 of this Act may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Idem

R.S.O. 1970,
c. 450

(3) An inspector, when making an inspection permitted by subsection 2, shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*.

Interpre-
tation

(4) In subsection 3, "occupier" means any person or persons over the age of eighteen years in possession of the property.

Council may
pass by-laws
requiring
backfilling
of
excavations

6.—(1) Notwithstanding the provisions of any other general or special Act, the council of the Corporation may, by by-law, where an excavation has been made in connection with the construction or proposed construction of a building or structure, and where, in the opinion of the council, the construction work on the project has been substantially

suspended or discontinued for a period of more than two and one-half years, require the owner of the land on which there is an excavation to backfill the excavation or cause the backfilling of the excavation.

(2) Section 469 of *The Municipal Act* applies *mutatis mutandis* to any by-law passed under subsection 1.

Enforcing performance of things, etc., under R.S.O. 1970, c. 284

7.—(1) The council of the Corporation may pass by-laws,

By-laws requiring cash payment to the Corporation

(a) requiring that the owner of a building or structure shall pay an amount in lieu of providing the off-street vehicle accommodation, as relief, to the extent set out in the by-law, from any provision in any other by-law of the Corporation requiring the provision or maintenance of off-street vehicle accommodation on land that is not part of a highway;

(b) providing for prescribing the amount of the payment referred to in clause *a*; and

(c) providing that the owner of the building or structure shall be relieved from the requirement and not be permitted to provide the off-street vehicle accommodation referred to in clause *a*.

(2) The payment referred to in subsection 1, shall be set out in an agreement which is subject to the approval of the Ontario Municipal Board.

Agreement

(3) The agreement made pursuant to subsection 2, shall provide for the payment to the Corporation of the sum of money therein set out either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

Payment in a lump sum or by instalment

(4) All moneys received by the Corporation under an agreement made pursuant to subsection 2, shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustees Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Reserve fund

R.S.O. 1970, cc. 470, 284

(5) The auditor of the Corporation in his annual report shall report on the activities and position of any special account established under this section.

Auditor's report

Lien on
lands
subject to
agreement

R.S.O. 1970,
c. 284

Power to
define
areas

Enforcement

Commence-
ment

Short title

(6) Any agreement made pursuant to subsection 2 containing a description of the lands affected sufficient for registration may be registered in the proper land registry office and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement, there shall be registered in the proper land registry office against such lands a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid.

(7) Any by-law passed under this section may define the area or areas of the City of Ottawa to which the by-law applies.

(8) The provisions of Part XXI of *The Municipal Act* respecting penalties apply *mutatis mutandis* to a by-law passed under this section.

8. This Act comes into force on the day it receives Royal Assent.

9. This Act may be cited as *The City of Ottawa Act, 1977*.

An Act respecting
the City of Ottawa

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. MORROW

(*Private Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the City of Toronto

MR. GROSSMAN

BILL Pr31

1977

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein called Preamble
the Corporation, hereby applies for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where, by law, the council of the Corporation is required Hearings by
committee
authorized
before doing any act, including the passing of a by-law, or
the making of any decision to hear interested parties or to
afford them an opportunity to be heard, the council may
authorize a committee of council, including the executive
committee, to conduct the hearing in the place and stead of
the council and the hearing when so conducted shall be in all
respects as valid and effectual as if conducted by the council.
2. Notwithstanding any general or special Act, the council of Temporary
closing
of highways
the Corporation may, by by-law, assign to the executive com-
mittee or such standing committee of council as is named in
the by-law the authority to allow the use of a highway under a
permit to be issued by the Commissioner of Public Works of
the Corporation or such other official as is named in the by-law
for social, recreational, community or athletic purposes for one
period not to exceed twenty-four hours in any calendar year
upon such conditions, including a fee for the permit, as may
be set out in the by-law and to permit for such period the
physical closing of the highway or part of the highway to
vehicular traffic provided local access for residents and emer-
gency vehicles is maintained.
3. Section 4 of *The City of Toronto Act, 1975 (No. 2)*, being 1975,
c. 117, s. 4,
amended
chapter 117, is amended by renumbering subsections 4, 5 and 6
as 5, 6 and 7, respectively, and by adding thereto the following
subsection:

Signs, etc.,
indicating
discrimina-
tion
prohibited

(4) The council of the Corporation may by by-law prohibit any person from publishing or displaying or causing to be published or displayed or permitting to be published or displayed any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate where the discrimination is prohibited by a by-law passed under subsection 3.

1936,
c. 84, s. 6,
amended

- 4.—(1) Section 6 of *The City of Toronto Act, 1936*, being chapter 84, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10, 1974, chapter 161, sections 1 and 5, 1975, chapter 116, section 5 and 1976, chapter 105, section 4, is further amended by adding thereto the following subsection:

Effect of
inconsistency
R.S.O. 1970,
c. 349

(49) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

1971,
c. 130, s. 11,
amended

- (2) Section 11 of *The City of Toronto Act, 1971*, being chapter 130, as amended by the Statutes of Ontario, 1974, chapter 161, section 6 and 1975, chapter 116, section 6, is further amended by adding thereto the following subsection:

Effect of
inconsistency
R.S.O. 1970,
c. 349

(35) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

1972,
c. 199, s. 2,
amended

- (3) Section 2 of *The City of Toronto Act, 1972*, being chapter 199, is amended by adding thereto the following subsection:

Effect of
inconsistency
R.S.O. 1970,
c. 349

(6) Notwithstanding *The Planning Act*, the inconsistency of any provision of this section with any provision of *The Planning Act* governing the same or similar subject-matter does not operate, and shall be deemed never to have operated, to repeal any provision of this section to the extent of such

inconsistency, and a by-law passed within the authority of this section continues good and valid notwithstanding such inconsistency.

5.—(1) Notwithstanding any general or special Act,

Authority to
integrate
steam
systems

- (a) the Corporation is authorized and empowered to construct a system integrating the steam plants and steam distribution systems owned or operated by Her Majesty in right of Ontario, Toronto Hospitals Steam Corporation, the Toronto Electric Commissioners, The Governing Council of the University of Toronto or by any other body, and in connection therewith to exercise all of the powers set forth in *The Public Utilities Act*; and

R.S.O. 1970,
c. 390

- (b) the Corporation is empowered to enter into agreements with respect to the financing and operation of the system referred to in clause a and may sell, lease or otherwise dispose of any works, material or equipment used for or in connection with the production or distribution of steam and subsection 5 of section 37 of *The Public Utilities Act* shall not apply thereto, provided that the Corporation shall not sell, lease or otherwise dispose of any works, material or equipment heretofore entrusted to the control and management of the Toronto Electric Commissioners without its prior consent.

Power
respecting
agreements
and sale

- (2) Subsection 1 of section 293 of *The Municipal Act* shall not apply so as to require the assent of electors to any by-law authorizing an agreement entered into pursuant to this section.

Assent of
electors
dispensed
with
R.S.O. 1970,
c. 284

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The City of Toronto Act, 1977*.

Short title

An Act respecting the
City of Toronto

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. GROSSMAN

(*Private Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Trustee Act

THE HON. R. MCMURTRY
Attorney General

EXPLANATORY NOTE

The amendment corrects a typographical error in the provision for appointment of a new trustee to fill a vacancy.

BILL 1

1977

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended by striking out "be" in the eleventh line and inserting in lieu thereof "by". s. 3 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Trustee Amendment Act, 1977*. Short title

An Act to amend
The Trustee Act

1st Reading

March 29th, 1977

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

EXPLANATORY NOTE

The amendment changes the date until which Part VI of the Act applies from the 31st day of March, 1977, to the 31st day of March, 1978.

Part VI of the Act deals with the weight and size of vehicles permitted to operate on the highway without special permit.

Section 81 (1) of the Act provides that a vehicle or a combination of vehicles may operate on a highway in accordance with either the provisions of Part VII and sections 65, 68, 69 and 70 or the provisions of Part VI.

BILL 2

1977

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 81 of *The Highway Traffic Act*, being s. 81 (2), re-enacted chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 9, is repealed and the following substituted therefor:

(2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI Part VI not to apply after March 31st, 1978 only until and including the 31st day of March, 1978.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Highway Traffic Amendment Act, 1977*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

March 29th, 1977

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation
and Communications

(Government Bill)

BILL 2

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications



BILL 2

1977

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 81 of *The Highway Traffic Act*, being s. 81 (2), re-enacted chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 9, is repealed and the following substituted therefor:

(2) A vehicle or combination of vehicles may be operated Part VI not to apply after March 31st, 1978 in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1978.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Highway Traffic Amendment Act, 1977*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

March 29th, 1977

2nd Reading

March 31st, 1977

3rd Reading

March 31st, 1977

THE HON. J. W. SNOW
Minister of Transportation
and Communications

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting the Withholding or Withdrawal of
Treatment where Death is Inevitable**

MR. MAECK

EXPLANATORY NOTE

The purpose of this Bill is to provide a means whereby an individual may limit the effect of a general or implied consent to medical treatment to prevent the use of life-sustaining procedures while in a terminal condition.

The Bill is designed to achieve this purpose by permitting an individual to execute a direction limiting his consent. Once a physician or hospital employee has notice of this direction, there is no defence of consent as a basis to avoid civil liability if the patient is treated with life-sustaining procedures during a period of terminal condition.

BILL 3

1977

**An Act respecting the Withholding
or Withdrawal of Treatment where
Death is Inevitable**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "attending physician" means a physician selected by or assigned to a patient and who has responsibility for the treatment and care of the patient;
- (b) "life-sustaining procedure" means a medical procedure or intervention that utilizes mechanical or artificial means to sustain, restore or supplant a vital function to postpone the moment of death, but does not include a medical procedure or intervention for the purpose of alleviating pain;
- (c) "physician" means a person licensed under Part III of *The Health Disciplines Act, 1974*;
- (d) "terminal condition" means an incurable condition caused by injury or disease by reason of which, in reasonable medical opinion, death is imminent and only postponed without improvement of the condition during the application of life-sustaining procedures.

1974, c. 47

2.—(1) Any person who has attained the age of majority, is mentally competent to consent, is able to make a free and informed decision and has, or is deemed to have, consented to medical treatment may, in writing in Form 1 signed by him, direct that the consent does not extend to the application of life-sustaining procedures during a terminal condition.

Direction
limiting
consent

Witnesses
of
direction

(2) A direction under subsection 1 is not valid unless the signature is witnessed by two persons neither of whom is a relative or an attending physician or other person engaged in the health care of the person giving the direction.

Benefi-
ciary of
estate as
witness

(3) No person who witnesses a direction under subsection 2 is entitled to any benefit from the estate of the person who gives the direction, except charges or directions for payments of debts.

Duration

(4) A direction is valid for five years from the date of its signing unless revoked under section 3.

When
direction
effective

3.—(1) A direction under section 2 does not take effect unless it is given to the attending physician of the person giving the direction or, where the person is a patient in a health facility, is given to the attending physician or a person on the medical staff of or employed by the health facility.

Direction
included
in medical
records

(2) Upon a direction being given to one of the persons mentioned in subsection 1, the direction or a copy of it shall be included in the medical records of the person giving the direction.

Revocation

(3) Where the person signing a direction in any manner and without regard to mental competency indicates to one of the persons mentioned in subsection 1 an intention to revoke the direction or is pregnant, the direction is revoked and shall be removed immediately from the medical records and destroyed.

Direction
deemed
valid

(4) Notwithstanding subsection 1, a direction given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision, is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision, as the case may be.

Terminal
condition

4. Where doubt exists as to whether or not a terminal condition exists for the purposes of a direction,

(a) a terminal condition shall be deemed to exist where in the opinion of two physicians, each of whom has made a separate diagnosis in respect of the person giving the direction and neither of whom has any medical responsibility for that person, the terminal condition exists; and

- (b) a terminal condition shall be deemed not to exist where in the opinion of one physician whose opinion is sought for the purposes of clause *a* a terminal condition does not exist.

5. No action or other proceeding for damages lies against any person for any act done or omission made in good faith and without negligence in the observance or intended observance of a direction purporting to be given under this Act. ^{Civil liability}

6. Nothing in this Act shall be construed to impose an obligation to provide or perform a life-sustaining procedure where the obligation does not otherwise exist at law. ^{Other obligations not affected}

7.—(1) A death that occurs subsequent to the withholding or withdrawal of life-sustaining procedures pursuant to a direction signed under this Act shall not be deemed to be a suicide or self-induced death under any policy of insurance. ^{Insurance}

(2) A requirement that a person sign a direction as a condition for being insured for or receiving health care services is void. ^{Idem}

8. Subject to subsection 3 of section 3, every person who wilfully conceals, cancels, defaces or destroys the direction of another without that person's consent is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for not more than thirty days, or to both. ^{Offence}

9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

10. This Act may be cited as *The Natural Death Act*, 1977. ^{Short title}

FORM 1

(The Natural Death Act, 1977)

DIRECTION TO ATTENDING PHYSICIAN AND MEDICAL STAFF

I,, being of sound mind, wilfully and voluntarily, direct that all life-sustaining procedures be withheld or withdrawn if at any time I should be in a terminal condition and where the application of life-sustaining procedures would serve only to artificially prolong the moment of death.

It is my intention that this direction be honoured by my family, physicians and medical staff as the final expression of my legal right to refuse medical or surgical treatment and to die naturally.

Made this day of (month, year)

.....
(signature)

The person signing this directive is personally known to me and I believe him /her to be of sound mind.

.....
(Witness)

.....
(Witness)

An Act respecting the Withholding or
Withdrawal of Treatment where Death
is Inevitable

1st Reading

March 29th, 1977

2nd Reading

3rd Reading

MR. MAECK

(*Private Member's Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to provide for Freedom of Information

MR. LAWLOR

EXPLANATORY NOTE

The purpose of this Bill is to provide members of the public with access to Government information. The Bill is designed to allow maximum accessibility to Government documents while, at the same time, recognizing that it is in the public interest that certain types of information not be disclosed. Where a disagreement arises as to whether or not certain information should be disclosed, the Bill provides a mechanism for resolving the dispute.

BILL 4

1977

An Act to provide for Freedom of Information

WHEREAS, for the furtherance of democratic principles Preamble
and practices in the Province of Ontario, it is right
and expedient that the fullest and most objective dis-
closure of government programs, policies, activities and
operations be openly declared and made available;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act,**Interpre-
tation**

- (a) "governmental organization" means the Executive Council, a ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof;
- (b) "public document" means any document, record, book, paper, report, order, decision, map photograph, film, card, tape, recording, minutes, statistical compilation or part thereof of form or character prepared or received by a governmental organization as a result of the spending of public moneys, and includes,
 - (i) final opinions, including concurring and dissenting opinions made in the adjudication of cases,
 - (ii) statements of policy and interpretations of policy,
 - (iii) administrative staff manuals and instructions of staff which affect members of the public,
 - (iv) any account, voucher, tender or contract dealing with receipt or expenditure of public funds.

Public access
to documents

2. Subject to section 3, any person may request in writing from a governmental organization any public document or, where the request reasonably identifies a subject-matter, a list of public documents affecting the subject-matter and, upon receiving the request, the governmental organization shall make available as soon as possible such document or list of documents for examination or copying.

Exceptions

3.—(1) The following public documents are exempt from the provisions of section 2:

1. Documents, the release of which would be detrimental to the security of Ontario or Canada.
2. Documents in respect of international relations, the release of which would be detrimental to the conduct of Canada's foreign relations or Ontario's relations with other countries.
3. Documents, the release of which would be detrimental to the conduct of federal-provincial relations or the relations of the provinces with one another.
4. Documents, the release of which would constitute a clearly unwarranted invasion of personal privacy.
5. Documents relating to negotiations leading up to a contract unless the contract has been executed or the negotiations have been concluded.
6. Documents relating to policy decisions under consideration but not yet finalized.
7. Documents relating to an investigation or inquiry in the administration of justice, but does not include legal opinions or advice prepared or received by a governmental organization unless the document containing the legal opinion or advice is expressly designated as privileged by the Executive Council or the Attorney General.
8. Documents that are excluded from disclosure by statute.
9. Minutes of the Executive Council and its committees.
10. Any proceedings before a court of justice or a judicial inquiry.

11. Any matter which may be exempted by the regulations.

(2) Any regulation made under this Act exempting a public document from disclosure does not have effect until it has been referred to the Standing Committee on Regulations and reported by the Committee to the Legislative Assembly.

4.—(1) Where a person makes a request under section 2 and receives no response from the governmental organization within a reasonable time or, for any reason, considers the response inadequate, the person may apply to the Ombudsman, under *The Ombudsman Act, 1975*, for a review. ^{Application to Ombudsman} 1975, c. 42

(2) The provisions of *The Ombudsman Act, 1975* in respect of the investigation of complaints apply to an application under this section *mutatis mutandis*. ^{Idem}

(3) Where the Ombudsman is of the opinion that it is in the public interest that a document be released, a list produced or further disclosure provided, in addition to his powers under *The Ombudsman Act, 1975*, the Ombudsman may direct the governmental organization to make such compliance with the request as he thinks fit. ^{Direction by the Ombudsman}

5.—(1) After a decision is made by the Ombudsman under section 4, the person making the request or the governmental organization to which the request is addressed may apply to a judge of the High Court for an order determining whether or not a public document, list or further disclosure should be provided. ^{Application to judge}

(2) Where a governmental organization claims an exemption under section 3, it may file a statement of particulars in a sealed envelope with the court in support of its claim. ^{Sealed statement of particulars}

(3) At any stage in the proceedings, the judge may order that the statement of particulars be resealed or disclosed in whole or in part to the other party or otherwise dealt with as he thinks fit. ^{Idem}

6. In any proceeding before the Ombudsman or a court under this Act, the Crown shall pay all of the costs of a person making a request under section 2, unless, in the opinion of the Ombudsman or the court, the request is made for a frivolous or vexatious purpose. ^{Costs}

Release of
documents by
Lieutenant
Governor
in Council

7. Notwithstanding section 3, the Lieutenant Governor in Council may order the release of a public document which is exempt where the release of the document is in the public interest.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) exempting any document or class of document from the application of the Act;
- (b) prescribing the times and places at which public documents are available for examination or copying;
- (c) prescribing the terms and conditions under which public documents or lists of public documents are released;
- (d) prescribing the costs to be paid for the release or copying of a public document;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Freedom of Information Act, 1977*.

An Act to provide for
Freedom of Information

1st Reading

March 29th, 1977

2nd Reading

3rd Reading

MR. LAWLOR

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Proceedings Against the Crown Act**

MR. KENNEDY

EXPLANATORY NOTE

The purpose of this Bill is to clarify the law with respect to the right to garnishee the wages of a Crown employee who is employed by a Crown agency and whose salary or wages are not paid from the Consolidated Revenue Fund by providing that a Crown agency is subject to garnishment proceedings.

BILL 5

1977

**An Act to amend
The Proceedings Against the Crown Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Proceedings Against the Crown Act*, being chapter 365 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

25a. Notwithstanding section 25, a Crown agency is subject to garnishment proceedings where the payment of salary or wages is not made from the Consolidated Revenue Fund.

s. 25a,
enacted

Crown
agency
may be
garnishee

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1977*.

Commence-
ment

Short title

An Act to amend
The Proceedings Against the
Crown Act

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

MR. KENNEDY

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to reform the Law respecting
Property Rights and Support Obligations between
Married Persons and in other Family Relationships**

THE HON. R. MCMURTRY
Attorney General

EXPLANATORY NOTES

SECTION 1. The definition of "child" allows children born outside marriage and persons treated as a child of the family to claim support from their parents under Part II or to benefit from an order respecting property under section 5 (1) (*d*).

The definition of "court" permits claims under Parts I to IV to be brought in the new Unified Family Court, a provincial court (family division), a county or district court or the Supreme Court.

The definition of "parent" corresponds with the meaning of "child".

The definition of "spouse" ensures that parties to a marriage subsequently found to be void are covered by this Act.

BILL 6

1977

**An Act to reform the Law respecting
Property Rights and Support Obligations
between Married Persons and in other
Family Relationships**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "child" means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes a person whom the parent has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in a foster home for consideration by a person having lawful custody; R.S.O. 1970,
c. 64
- (b) "court" means a provincial court (family division), the Unified Family Court, a county or district court or the Supreme Court;
- (c) "domestic contract" means a domestic contract as defined in Part IV;
- (d) "parent" means the father or mother of a child, and includes a person who has demonstrated a settled intention to treat a child as a child of his or her family, but does not include a person in whose home a child was placed as a foster child for consideration by a person having lawful custody;
- (e) "spouse" means either of a man and woman who,
 - (i) are married to each other,
 - (ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity,

- (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding six months.

Combining of
application

2.—(1) Where, in an application under any provision of this Act, it appears to the court that for the appropriate determination of the affairs of the spouses it is necessary or desirable to have other matters first or simultaneously determined, the court may direct that the application stand over until such other applications are brought or determined as the court considers appropriate.

All
proceedings
in one court

(2) Except as otherwise provided, where an application is made to a court under this Act, no person who is a party to the proceeding shall make an application under this Act to any other court, but the court may order that the proceedings be transferred to a court having other jurisdiction where, in the opinion of the court, the court having other jurisdiction is more appropriate to determine the matters in issue that should be determined at the same time.

Applications

(3) An application under this Act may be made in the manner prescribed by the rules of the court or in another proceeding.

Capacity
of minors

(4) A minor who is a spouse has capacity to commence, conduct and defend a proceeding under this Act without the intervention of a next friend or guardian *ad litem*.

Extension
of times

(5) The court may extend the time for bringing an application under this Act where the court is satisfied that,

- (a) there are *prima facie* grounds for relief;
- (b) the delay has been incurred in good faith and has resulted from circumstances not reasonably within the control of the applicant; and
- (c) no substantial prejudice or hardship will result to any person affected by reason of the delay.

Closed
hearings

(6) The court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public and the court may by order prohibit the publication of any matter connected with the application or given in evidence at the hearing.

SECTION 2. Subsection 1 permits a court to adjourn the hearing of a claim under this Act where it finds that all of the issues necessary for it to make a proper decision have not been determined. For example, an application to divide property could be adjourned to allow the bringing of a support application, and the two applications could be heard together.

Subsection 2 requires all claims under this Act between the same parties to be brought in the same court, and allows the transfer of an application to another court if the first court does not have jurisdiction to deal with all the issues.

Subsection 5 allows a court to permit an application after the time period prescribed by the Act expires.

Subsection 7 allows the court to make orders on the consent of the parties, without the need for a hearing.

Subsection 9 provides that a domestic contract (marriage contract, cohabitation agreement or separation agreement) made under Part IV prevails over the provisions of Parts I to III, subject to the limitation of sections 17 (3) and 55.

•

SECTION 3. The provincial court (family division) does not have jurisdiction under this Part.

The definition of "family assets" includes property held for the benefit of a spouse by a corporation, trust, power of appointment or revocable gift. The definition does not include land around the matrimonial home where that land is used for farming or other business purposes and is not reasonably necessary to the use of the home as a residence. The definition also excludes any property specified in a domestic contract as not being a family asset.

(7) Upon the consent of the parties in an application under this Act, the court may make any order that the court is otherwise empowered to make by this Act. Consent orders

(8) Any matter provided for in a domestic contract may be incorporated in an order made under this Act. Incorporation of contract in order

(9) Where a domestic contract makes provision in respect of a matter that is provided for in this Act, the contract prevails except as otherwise provided in this Act. Act subject to contracts

PART I

FAMILY PROPERTY

3. In this Part,

Interpre-
tation

- (a) "court" means a court as defined in section 1 but does not include a provincial court (family division);
- (b) "family assets" means a matrimonial home as determined under Part III and property owned by one spouse or both spouses and ordinarily used or enjoyed by both spouses or one or more of their children while the spouses are residing together for shelter or transportation or for household, educational, recreational, social or aesthetic purposes, and includes,
 - (i) money in an account with a chartered bank, savings office, credit union or trust company where the account is ordinarily used for shelter or transportation or for household, educational, recreational, social or aesthetic purposes,
 - (ii) where property owned by a corporation or trustee would, if it were owned by a spouse, be a family asset, shares in the corporation or an interest in the trust owned by the spouse having a market value equal to the value of the benefit enjoyed by the spouse in respect of the property,
 - (iii) property over which a spouse has, either alone or in conjunction with another person, a power of appointment exercisable in favour of himself or herself, if the property would be a family asset if it were owned by the spouse, and
 - (iv) property disposed of by a spouse but over which the spouse has, either alone or in conjunction with another person, a power to

revoke the disposition or a power to consume, invoke or dispose of the property, if the property would be a family asset if it were owned by the spouse,

but does not include property that the spouses have agreed by a domestic contract is not to be included in the family assets;

(c) "property" means real or personal property or any interest therein.

Division of
family
assets

4.—(1) Subject to subsection 3, where a decree *nisi* of divorce is pronounced or a marriage is declared a nullity or where the spouses are separated and there is no reasonable prospect of the resumption of cohabitation, each spouse is entitled to have the family assets divided in equal shares notwithstanding the ownership of the assets by the spouses as determinable for other purposes and notwithstanding any order under section 6.

Application
to court

(2) The court may, upon the application of a person who is the spouse of another, determine any matter respecting the division of family assets between them.

Variation
of division

(3) The court may make a division of family assets resulting in shares that are not equal where the court is of the opinion that a division of the family assets in equal shares would be inequitable, having regard to,

- (a) the duration of the period of cohabitation under the marriage;
- (b) the date when the property was acquired;
- (c) the extent to which property was acquired by one spouse by inheritance or by gift; or
- (d) any other circumstance relating to the acquisition, disposition, preservation, maintenance, improvement or use of property rendering it inequitable for the division of family assets to be in equal shares.

Property
other than
family
assets

(4) Where, in the opinion of the court, a spouse has unreasonably impoverished the family assets or the result of a division of the family assets would be inequitable in all the circumstances having regard to the considerations set out in clauses *a* to *d* of subsection 3, the court may make a division of any property that is not a family asset.

SECTION 4. This section gives a spouse the right to have the family assets divided where the marriage has broken down. The division can be accomplished by agreement or by court order. The family assets will be divided equally notwithstanding which spouse is the owner of them, even though that ownership has been determined under section 6, unless one of the spouses can satisfy the court that an equal division of family assets would be inequitable in view of the enumerated factors. Once satisfied, the court can divide the family assets unequally or divide other property of the spouse, including business property. The underlying purpose of the section is set out in subsection 5.

SECTION 5. Subsection 1 allows an application to court to determine the mechanics of the division of the family assets or other property subject to division. The powers of the court include the power to order partition or sale. Recourse to *The Partition Act* will be unnecessary.

SECTION 6. This section is based on and replaces section 12 of *The Married Women's Property Act*. It allows applications to determine ownership or the right to possession of particular pieces of property, and is not restricted to a marriage breakdown situation. This section is not available where an application under section 4 has been made in respect of the same property. The court may order compensation for a spouse if the other has disposed of the property in question. The court has the power to order partition, so that recourse to *The Partition Act* will not be necessary.

(5) The purpose of this section is to recognize that inherent ^{Purpose} in the marital relationship there is mutual contribution by the spouses, whether financial or otherwise, to the family welfare, entitling each spouse to an equal division of the family assets upon termination of the marriage, subject to the equitable considerations set out in subsections 3 and 4.

5.—(1) In an application under section 4, the court may ^{Idem} order,

- (a) that the title to any specified property directed to a spouse in the division be transferred to or in trust for or vested in the spouse whether absolutely, for life or for a term of years;
- (b) the partition or sale of any property;
- (c) that payment be made out of the proceeds of sale to one or both spouses, and the amount thereof;
- (d) that any property forming part of the share of either or both spouses be transferred to or in trust for or vested in a child to whom a spouse owes an obligation to provide support;
- (e) that either or both spouses give security for the performance of any obligation imposed by the order, including a charge on property; and
- (f) that either spouse pay to the other such sum as is set out in the order for the purpose of adjusting the division,

and may make such other orders or directions as are ancillary thereto.

(2) In or pending an application under section 4, the court may make such interim order as it considers necessary ^{Interim orders for preservation and possession} for restraining the dissipation of family assets and for the possession, delivering up, safekeeping and preservation of the property.

6. Any person may apply to the court for the determination of any question between that person and his or her spouse or former spouse as to the ownership or right to possession of any particular property, except where an application or an order has been made respecting the property under section 4 or 5, and the court may, ^{Determination of questions of title between married persons}

- (a) declare the ownership or right to possession;

- (b) where the property has been disposed of, order payment in compensation for the interest of either party;
- (c) order that the property be partitioned or sold for the purpose of realizing the interests therein; and
- (d) order that either or both spouses give security for the performance of any obligation imposed by the order, including a charge on property,

and may make such other orders or directions as are ancillary thereto.

Contribution
to property

7. Where one spouse or former spouse has contributed work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of property, other than family assets, in which the other has or had an interest, upon application, the court may by order,

- (a) direct the payment of an amount in compensation therefor; or
- (b) award a share of the interest of the other spouse or former spouse in the property appropriate to the contribution,

and the court shall determine and assess the contribution without regard to the relationship of husband and wife or the fact that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances. 1975, c. 41, s. 1 (3) (c), *amended*.

Interim
orders for
preservation

8. In an application under section 6 or 7, the court may make such interim order as it considers necessary for restraining the dissipation of the property and for the possession, delivering up, safekeeping and preservation of the property.

Registration
of orders

9. Where an order made under this Part affects real property, the order does not affect the acquisition of an interest in the real property by a person in good faith without notice of the order, unless the order is registered.

Presump-
tions

10. The rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that,

SECTION 7. Is based on section 1 (3) (c) of *The Family Law Reform Act, 1975* and extends that provision so as to allow the court to recognize the spouse's contribution to particular property.

SECTION 10. This provision formerly appeared as section 1 (3) (d) of *The Family Law Reform Act, 1975*.

SECTION 11. This Part applies to persons married and to property owned when this Act comes into force, except where the spouses have already started a court proceeding over property rights.

SECTION 12. This Part will apply to spouses who do not have a marriage contract (see section 2 (9) and whose last common habitual residence was in Ontario or who never had a common habitual residence. Where the spouses' last common habitual residence was outside Ontario, the ownership of their movable property and their right to divide family assets will be governed by the law of that other jurisdiction.

The ownership of spouses' land is governed by the law of the place where the land is situated. Where this Part applies to the spouses, land outside Ontario cannot be ordered sold or partitioned by the court. However, the court can take the value of that land into account and give a smaller share of movable property or land in Ontario to the spouse who owns the foreign land, in order to adjust the division of family assets.

SECTION 13. The definition of "spouse" is broadened to include a person whose marriage has been annulled and a "common law" spouse as defined.

- (a) the fact that property is placed or taken in the name of spouses as joint tenants shall be *prima facie* proof that a joint tenancy of the beneficial interest in the property is intended; and
- (b) money on deposit in a bank, savings office, credit union or trust company in the name of both spouses shall be deemed to be in the name of the spouses as joint tenants for the purposes of clause a. 1975, c. 41, s. 1 (3) (d).

11. This Part applies notwithstanding that,

Application
of Part

- (a) the spouses entered into the marriage before this Part comes into force; or
- (b) the property in issue was acquired before this Part comes into force,

but does not apply in respect of property rights that are in issue in a proceeding that was commenced before this Part comes into force.

12.—(1) The division of family assets and the ownership as between spouses of movable property wherever situate are governed by the internal law of the place where both spouses had their last common habitual residence or, where there is no place where the spouses had a common habitual residence, by the law of Ontario.

Conflict
of laws

(2) The ownership of immovable property as between spouses is governed by the internal law of the place where the land is situated, but where the law of Ontario is applicable respecting the division of family assets, the value of the property may be taken into consideration for the purposes of section 4.

Idem

PART II

SUPPORT OBLIGATIONS

13. In this Part,

Interpre-
tation

- (a) “dependant” means a person to whom another has an obligation to provide support under this Part;
- (b) “spouse” means a spouse as defined in section 1, and includes,

- (i) either of a man and woman not being married to each other who have cohabited,

1. continuously for a period of not less than five years, or
2. in a relationship of some permanence where there is a child born of whom they are the natural parents,

and have so cohabited within the preceding six months, and

- (ii) either of a man and woman between whom an order for support has been made under this Part or an order for alimony or maintenance has been made before this Part comes into force.

Obligation
of spouses
for support

14. Every spouse has an obligation to provide support for himself or herself and for the other spouse, in accordance with need, to the extent that he or she is capable of doing so.

Obligation
of parent
to support
child

15. Every parent has an obligation, to the extent the parent is capable of doing so, to provide education and support, in accordance with need, for his or her child who is unmarried and,

(a) is under the age of sixteen years; or

(b) is of the age of sixteen years or over and in the charge of a parent but unable, by reason of illness, disability or other cause, to withdraw from the charge of his or her parents or to provide himself or herself with necessities.

Obligation
of child
to support
parent

16. Every child who is not a minor has an obligation to provide support, in accordance with need, for his or her parent who has cared for and provided support for the child, to the extent that the child is capable of doing so.

Order for
support

17.—(1) A court may, upon application, order a person to provide support for his or her dependants and determine the amount thereof.

Applicants

(2) An application for an order for support may be made by the dependant or on behalf of a dependant by,

(a) the Ministry of Community and Social Services in the name of the Minister;

SECTION 14. This section creates an obligation on spouses to be self-supporting and to support the other spouse, depending on ability to provide support and the needs of the other spouse. Matrimonial misconduct will no longer be the basis for making or denying an award of support, but see section 17 (5).

SECTION 15. The parental obligation to support a child is extended beyond the age of 16 years where the child is unable to provide himself with necessities of life because of illness, disability or other cause, which would include attendance at school or university, where reasonable. This wording is borrowed from the *Divorce Act* (Canada).

SECTION 16. A corresponding obligation is placed on children over the age of 18 to support their parents when in need, in accordance with ability. This section replaces the existing *Parents' Maintenance Act*, which imposes a similar obligation.

SECTION 17. A public agency providing welfare or family benefits or a children's aid society will be able to claim support for a dependant.

Subsection 4 contains a check-list to assist the court in determining the needs of the dependant and the ability to pay of the person from whom support is claimed. Persistent conduct constituting a repudiation of the family relationship will remain a factor in determining the amount of support which should be awarded. The court is directed to take into consideration any loss of earning capacity or opportunity for advancement occasioned by the responsibilities assumed during cohabitation and may make a special award to assist a spouse to attain financial independence.

- (b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality thereof; or
- (c) a children's aid society,

where the Ministry, municipality or society is providing an allowance or benefit in respect of the support of the dependant.

(3) The court may set aside a provision for support in a domestic contract and may determine and order support under this section notwithstanding that the agreement contains an express provision excluding the application of this section, ^{Setting aside domestic contract}

- (a) where the provision for support or the waiver of the right to support results in circumstances that are unconscionable;
- (b) where the spouse qualifies for an allowance for support out of public money; or
- (c) where there has been default in the payment of support under the contract.

(4) In determining the amount, if any, of support in relation to need, the court shall consider all the circumstances of the parties, including, ^{Determination of amount}

- (a) the assets and means of the dependant and of the respondent;
- (b) the capacity of the dependant to provide for his or her own support;
- (c) the capacity of the respondent to provide support;
- (d) the age and the physical and mental health of the dependant and of the respondent;
- (e) the needs of the dependant, in determining which the court may have regard to the accustomed standard of living during cohabitation;
- (f) the desirability for the dependant to have special assistance to achieve a program for financial independence;
- (g) the legal obligation of the respondent to provide support for any other person;

- (h) a contribution by the dependant to the realization of the career potential of the respondent;
- (i) where the dependant is a child, his or her aptitude for and reasonable prospects of obtaining an education;
- (j) where the dependant is a child of the age of sixteen years or more, his or her withdrawal from parental control;
- (k) where the dependant is a spouse, the effect on his or her earning capacity of the responsibilities assumed during cohabitation; and
- (l) any other source of support for the dependant other than out of public money.

Conduct

- (5) The liability for support exists without regard to the conduct of the spouse requiring the support, except for,
- (a) cohabitation by the spouse with another person after the spouses have ceased to cohabit; or
 - (b) a course of conduct during cohabitation that is an obvious and gross repudiation of the relationship.

Powers of court

18.—(1) In an application under section 17, the court may order,

- (a) an amount payable periodically, whether annually or otherwise and whether for an indefinite or limited period, or until the happening of a specified event;
- (b) a lump sum to be paid or held in trust;
- (c) any specified property to be transferred to or in trust for or vested in the dependant, whether absolutely, for life or for a term of years;
- (d) any matter authorized to be ordered under clauses *a* to *d* of subsection 1 of section 45;
- (e) that all or any of the moneys payable under the order be paid into court or to any other appropriate person or agency for the benefit of the dependant;
- (f) the payment of support to be made in respect of any period before the date of the order;

SECTION 18. The court has broad powers to make the most suitable order or combination of orders regarding support, including the making of both periodic and lump sum orders and the granting of security to ensure payments. The court can also order the respondent to reimburse a public agency for payments it has made to the dependant. The court can provide for the dependant's support after the respondent's death.

If the order is not expressed to survive the respondent, it terminates on death and only 12 months arrears are enforceable.

A support order may be assigned to a public agency paying benefits to the dependant. This allows the agency to continue the steady income of the dependant and leaves the burden of enforcement and the risk of non-payment on the agency.

SECTION 19. To avoid having the issue of support before two different courts, an application under this Part lapses when a divorce is sought and any support order will be made under the *Divorce Act* (Canada). Where support is not before the trial judge as an issue in a divorce, an order under this Part survives the divorce. Under existing law, provincial orders in favour of a child continue but those in favour of a spouse do not.

SECTION 20. An order for support may be varied or ended if there has been a material change of circumstances or new evidence becomes available. The court also has power to wipe out arrears and interest.

If the original order was made by a county or district court, both the original court and another county or district court have jurisdiction to vary the order. The same provision is available for variation by one provincial court (family division) of an order made by another provincial court (family division).

This section applies to the variation of support orders made before this Act takes effect.

- (g) the payment to a public agency referred to in subsection 2 of section 17 of any amount in reimbursement for an allowance or benefit granted in respect of the support of the dependant, including an amount in reimbursement for an allowance paid or benefit provided before the date of the order;
- (h) the payment of expenses in respect of the pre-natal care and birth of a child;
- (i) that the obligation and liability for support continue after the death of the respondent and be a debt of his or her estate for such period as is fixed in the order; and
- (j) the securing of payment under the order, by a charge on property or otherwise.

(2) A provincial court (family division) shall not make an order under clause *b*, *c* or *j* of subsection 1 except for the provision of necessities or preventing the dependant from becoming a public charge. Limitation on jurisdiction of family court

(3) Where an application is made under section 17, the court may make such interim order as the court considers appropriate. Interim orders

(4) An order for support is assignable to a public agency referred to in subsection 2 of section 17. Assignment of support

(5) Unless an order to provide support otherwise provides, it terminates upon the death of the person having the obligation to provide support, and the liability for amounts under the order coming due and unpaid in the preceding twelve months is a debt of his or her estate. Termination of support order on death

19.—(1) Where an action for divorce is commenced, any application for support under this Part that has not been determined lapses. Effect of divorce proceedings

(2) Where a marriage is terminated by a decree absolute of divorce or declared a nullity and the question of support was not judicially determined in the divorce or nullity proceedings, an order for support made under this Part continues in force according to its terms. Idem

20.—(1) Where an order for support has been made and where the court is satisfied that there has been a material change in the circumstances of the dependant or the respondent or evidence has become available that was not available on the previous hearing, the court may, upon the application of any person named in the order or referred to in section 17, discharge, vary or suspend any Review and variation of orders

term of the order, prospectively or retroactively, relieve the respondent from the payment of part or all of the arrears or any interest due thereon and make such other order under section 18 as the court considers appropriate in the circumstances referred to in section 17.

Court (2) An application under subsection 1 shall be made to the court that made the order or to a co-ordinate court in another part of Ontario.

Limitation on applications for review (3) No application under subsection 1 shall be made within six months after the making of the order for support or the disposition of any other application under subsection 1 in respect of the same order, except by leave of the court.

Existing orders (4) This section applies to orders for maintenance or alimony made in a proceeding commenced before this section comes into force.

Restraining orders **21.** In or pending an application under section 17 or appearance to a notice under section 27, or where an order for support has been made, the court may make such interim or final order as it considers necessary for restraining the disposition or wasting of assets that would impair or defeat the claim or order for the payment of support.

Statement of financial affairs **22.—(1)** Where an application is made under section 17 or a notice is issued under section 27, each party shall file with the court and serve upon the other a statement verified by oath or statutory declaration disclosing particulars of financial information in the manner and form prescribed by the rules of the court.

Order for sealing statement (2) Where, in the opinion of the court, the public disclosure of any information required to be contained in a statement under subsection 1 would be a hardship on the person giving the statement, the court may order that the statement and any cross-examination upon it before the hearing be treated as confidential by the parties and not form part of the public record.

Absconding respondent or debtor **23.** Where an application is made under section 17 or a notice is issued under section 27 and a judge of the court is satisfied that the respondent or debtor is about to leave Ontario, the judge may issue a warrant in the form prescribed by the rules of the court for the arrest of the respondent or debtor.

Provisional orders **24.—(1)** Where an application is made under section 17 or a notice is issued under section 27 in a provincial court (family division) and,

(a) the respondent in the application fails to appear;

SECTION 21. A proposed sale of assets which would defeat a claim or an order for payment of support may be restrained by court order.

SECTION 22. Disclosure of financial information will be required of both the applicant and the person from whom support is claimed in order to ascertain need and ability to pay. The court will have discretion to make the disclosure confidential.

SECTION 24. Where appropriate, a provincial court (family division) or the Unified Family Court can make a provisional order against a respondent who lives outside the judicial district and who fails to appear at the hearing. The order is sent to the court having jurisdiction where the respondent lives and has no effect unless that court confirms it. This procedure is adapted from *The Deserted Wives' and Children's Maintenance Act*.

- (b) it appears to the court that the respondent resides in a locality in Ontario that is outside the territorial jurisdiction of the court; and
- (c) in the circumstances of the case, the court is of the opinion that the issues can be adequately determined by proceeding under this section,

the court may proceed in the absence of the respondent and without the statement of the financial affairs of the respondent required by section 22 and may make an order for support that is provisional only and the order has no effect until it is confirmed by the provincial court (family division) in the locality in which the respondent resides.

(2) Where a provisional order is made under subsection 1, the court making the order shall send to the court having jurisdiction in the locality in which the respondent resides copies of such documents and records, certified in such manner, as are prescribed by the rules of the court. Transmission
for hearing

(3) The court to which the documents and records are sent under subsection 2 shall cause them to be served upon the respondent together with a notice to file with the court the statement of financial affairs required by section 22 and to appear and show cause why the provisional order should not be confirmed. Show
cause

(4) At the hearing, the respondent may raise any defence that might have been raised in the original proceedings, but, if on appearing the respondent fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order without modification or with such modification as the court considers proper having regard to all the evidence. Confirmation
of order

(5) Where the respondent appears before the court and satisfies the court that for the purpose of any defence or for the taking of further evidence or otherwise it is necessary to remit the case to the court that made the order, the court may so remit the case and adjourn the proceedings for that purpose. Adjournment
for further
evidence

(6) Where the respondent appears before the court and the court, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, the court may remit the case to the court that made the order together with a statement of the reasons for so doing, and in that event the court that made the order may proceed in such manner as it considers proper. Where order
not confirmed

(7) Where an order has been confirmed under this section, it may be varied or rescinded as if it were made originally Variation
and
rescission
of order,
remission
of case,
after
confirmation

by the confirming court, and, where on an application for variation or rescission the court is satisfied that it is necessary to remit the case to the court that made the order for the purpose of taking further evidence, the court may so remit the case and adjourn the proceedings for that purpose.

Certificates
as
evidence

(8) A certificate certifying copies of documents or records for the purpose of this section and purporting to be signed by the clerk of the court is, without proof of the office or signature of the clerk, admissible in evidence in a court to which it is transmitted under this section as *prima facie* proof of the authenticity of the copy.

Right of
appeal

(9) No appeal lies from a provisional order made under this section, but, where an order is confirmed under this section, the person bound thereby has the same right of appeal as he would have had if the order had been made under section 18.

Unified
Family
Court

(10) For the purposes of this section, a reference to a provincial court (family division) includes the Unified Family Court.

Access to
records

25.—(1) Where it appears to a court that,

(a) for the purpose of bringing an application under this Part; or

(b) for the purpose of the enforcement of an order for support, custody or access,

the proposed applicant or person in whose favour the order is made has need to learn or confirm the whereabouts of the proposed respondent or person against whom the order is made, the court may order any person or public agency to provide the court with such particulars of the address as are contained in the records in its custody and the person or agency shall provide to the court such particulars as it is able to provide.

Section
binds Crown

(2) This section binds the Crown in right of Ontario.

Enforcement
of orders by
family court
clerk

26.—(1) The clerk of the Unified Family Court or of a provincial court (family division), upon the request of a person entitled to support under an order for support or maintenance enforceable in Ontario and upon the filing of such material as is prescribed by the rules may, on behalf of and in the name of such person, take such action to enforce the order as such person is entitled to take, notwithstanding that the order is an order of another court or that the other court is outside Ontario.

SECTION 25. In order to start a support application to enforce a support order, the applicant may obtain an order requiring a person such as an employer or public agency, including the Province of Ontario, to provide access to its records for the sole purpose of obtaining the address of a person ordered to pay support.

SECTION 26. This action allows support orders made in any court to be filed for enforcement in the new Unified Family Court or the provincial court (family division). It replaces section 25 of *The Provincial Courts Act*. This section recognizes the administrative practice whereby court officials automatically enforce orders in family court.

The provincial court (family division) will have power to enforce support orders by execution and garnishment. Formerly support orders were enforceable in small claims court only up to the monetary jurisdiction of that court.

The procedure for seizing wages of an Ontario government employee is made available for support orders.

SECTION 27. Where a debtor under an order defaults, the debtor can be required to appear before the court to explain the default and the debtor's finances can be inquired into. The debtor can be arrested if about to abscond. This procedure is adapted from *The Deserted Wives' and Children's Maintenance Act*.

SECTION 28. This procedure exists under *The Deserted Wives' and Children's Maintenance Act*. The power to imprison is made flexible enough to allow for a conditional or intermittent sentence.

SECTION 29. This section is new. It allows a court order for a continuing deduction at source by the employer in order to satisfy a support order. The attachment would have priority over any other seizure of wages. See also section 76.

(2) A provincial court (family division) and the judges thereof have the power to issue execution and garnishment and enforce orders under subsection 1 in the same manner as small claims courts and the judges thereof, but without monetary limitation. Powers of court for enforcement

(3) A person to whom an amount is owing or accruing under an order for support or maintenance payable by a Crown employee whose salary or wages are paid out of the Consolidated Revenue Fund is entitled to have the amount deducted from the salary or wages under section 26 of *The Public Service Act*. Payments by Crown employee

R.S.O. 1970,
c. 386

27.—(1) Where there is default in payment under an order for support or maintenance, a clerk of the Unified Family Court or a provincial court (family division) may issue a notice requiring the debtor to file a statement of financial information referred to in section 22 and appear before that court to explain the default and submit to an examination as to his assets and means. Examination of debtor

(2) If the debtor fails to appear as required after being served with a notice, or if the court is satisfied that the debtor cannot be served or intends to leave Ontario without appearing as required after being served, the court giving the notice may issue a warrant for the arrest of the debtor for the purpose of compelling attendance. Compelling attendance

28.—(1) Where the debtor fails to satisfy the court that the default is owing to his inability to pay, the court may order imprisonment for a term of not more than three months. Penalty for default

(2) The order for imprisonment under subsection 1 may be made conditional upon default in the performance of a condition set out in the order and the order for imprisonment may provide for the imprisonment to be served intermittently. Conditions of sentence

29.—(1) Where the court considers it appropriate in a proceeding under section 27, the court may make an attachment order directing the employer of the debtor to deduct from any remuneration of the debtor due at the time the order is served on the employer or thereafter due or accruing due such amount as is named in the order and to pay the amounts deducted into court, and section 7 of *The Wages Act* does not apply. Attachment of wages

R.S.O. 1970,
c. 486

(2) An order under subsection 1 has priority over any other seizure or attachment of wages arising before or after the service of the order. Priority of order

Security
for
payment

30. Where the court considers it appropriate in a proceeding under section 27, the court may order the debtor to give security for the payment of support or charge any property of the debtor therewith.

Realization
of security

31. Where a court orders security for the payment of support under this Part or charges a property therewith, the court may, upon application and notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge.

Liability
to
creditors
for
necessaries

32.—(1) Where money is owing to a creditor for necessities supplied to a person and,

- (a) the person is unable to pay;
- (b) there is another person who has an obligation to provide support; and
- (c) no order has been made granting or refusing support under section 18,

the creditor is entitled to recover from the person having the obligation to provide support the amount owing, to the extent of his or her ability to pay.

Proceeding
for support
pending

(2) An action to recover an amount under subsection 1 shall not proceed where a proceeding for support is pending to which the defendant or proposed defendant in the action is a party.

Pledging
credit for
necessaries

33.—(1) During cohabitation, a spouse has authority to render himself or herself and his or her spouse jointly and severally liable to a third party for necessities of life, except where the spouse has notified the third party that he or she has withdrawn the authority.

Liability
for
necessaries
of minor

(2) Where a person is entitled to recover against a minor under sixteen years of age in respect of the provision of necessities for the minor, each parent who has an obligation to support the minor is liable therefor jointly and severally with the minor.

Recovery
between
persons
jointly
liable

(3) Where persons are jointly and severally liable with each other under this section, their liability to each other shall be determined in accordance with their obligation to provide support.

Common
law
supplanted

(4) The provisions of this section apply in place of the rules of common law by which a wife may pledge the credit of her husband.

SECTION 31. This section provides a mechanism for enforcing a secured support order by selling the security.

SECTION 32. Where a person is obliged to support another, but a third party provides necessities instead, the third party may recover from the person obliged to pay support. Where a support order has been made in favour of the dependant, the third party must look to the dependant alone, as the court has fixed the amount of the support which the person is obliged to pay.

SECTION 33. While living together, either spouse may pledge the credit of the other for necessities unless this authority is specifically withdrawn by notice to the creditor. Both spouses are then jointly liable to the creditor. Similarly, under subsection 2, a creditor may recover necessities provided to a child under 16 from both the parents and the child. The liability as between the spouses, or between parent and child, is determined in accordance with need and ability to pay as set out in sections 14, 15 and 17.

Subsection 4 abolishes the common law agency of cohabitation and agency of necessity, which applied only in favour of a wife.

SECTION 34. This section provides a civil remedy to prevent a spouse from continually harassing and interfering with the other.

SECTION 35. This section provides for the making of a custody order or interim order in favour of either parent in the best interests of the child. The custody order need not be tied to a support order, as is now the case under section 3 of *The Deserted Wives' and Children's Maintenance Act*.

SECTION 36. Appeals are provided for in Acts governing the Supreme Court and county courts. This section is necessary because *The Provincial Courts Act* does not contain provisions for appeals. The appeal procedure will be set out in the rules.

SECTION 37. This section gives a provincial court (family division) the power to punish contempt of its orders under this Part. The Supreme Court and county courts already have such power.

SECTION 38. This Part extends to mobile homes, trailers, houseboats, etc.

SECTION 39. Where the family has or had two or more homes, this Part applies to all the family residences, subject to section 41. The definition of "matrimonial home" includes a home rented by the family and a unit in a co-operative housing development.

Where the property on which a matrimonial home is used for a purpose that is more than residential, such as for farming or other business purposes, only the surrounding land reasonably necessary for use of the residence is affected by this Part.

34. Upon application, a court may make an order restraining the spouse of the applicant from molesting, annoying or harassing the applicant or children in the lawful custody of the applicant and may require the spouse of the applicant to enter into such recognizance as the court considers appropriate. Order restraining harassment

35.—(1) Upon application, the court may order that either parent or any person have custody of or access to a child, in accordance with the best interests of the child and may at any time alter, vary or discharge the order. Custody of children

(2) An application to alter, vary or discharge the order shall be made to the court that made the order or to a co-ordinate court in another part of Ontario. Court

(3) Where an application is made under subsection 1, the court may make such interim order as the court considers appropriate. Interim orders

36. An appeal lies from an order of the provincial court (family division) under this Part to the county or district court in the county or district in which the provincial court (family division) is situated. Appeal from provincial court (family division)

37.—(1) In addition to its powers in respect of contempt, every provincial court (family division) may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders under this Act, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed three months. Contempt of orders of provincial court (family division)

(2) An order for imprisonment under subsection 1 may be made conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently. Conditions of imprisonment

PART III

MATRIMONIAL HOME

38. In this Part, "property" means real or personal property. Interpretation

39.—(1) Property in which a married person has an interest and that is or has been occupied by the married person and his or her spouse as their family residence is their matrimonial home. Matrimonial home

More
than one
matrimonial
home

(2) Subsection 1 applies notwithstanding that its application results in more than one matrimonial home.

Ownership
of shares

(3) The ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to the occupation of a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection 1.

Residence
on farm-
land, etc.

(4) Where property that includes a matrimonial home is normally used for a purpose other than residential only, the matrimonial home is only such portion of the property as may reasonably be regarded as necessary to the use and enjoyment of the residence.

Right to
possession

40.—(1) A spouse is equally entitled to any right of possession of the other spouse in a matrimonial home.

Termination
of right to
possession

(2) Subject to an order of the court under this or any other Act, a right of a spouse to possession by virtue of subsection 1 ceases upon the spouse ceasing to be a spouse.

Registered
designation
of
matrimonial
home

41.—(1) Both spouses may, by instrument in the form prescribed by the regulations, designate a property to which they are entitled to possession as a matrimonial home and, upon the registration of the instrument and while there is a designation made by the spouses under this subsection that is not cancelled, any other property that would qualify as a matrimonial home under section 39 and that is not similarly designated ceases to be a matrimonial home.

Extent of
designation

(2) The property that is designated as a matrimonial home under subsection 1 may include any property contiguous to the matrimonial home that is described for the purpose in the instrument.

Cancellation
of
designation

(3) The designation of a matrimonial home under subsection 1 is cancelled upon the registration of,

(a) an instrument in the form prescribed by the regulations executed by both spouses;

(b) a decree absolute of divorce or judgment of nullity;
or

(c) an order under section 45 cancelling the designation.

Effect of
cancellation

(4) The cancellation of the designation of a property under subsection 3 does not affect the status of the property

SECTION 40. Notwithstanding which spouse owns the home, both spouses are equally entitled to possession. The equal right to possession may be altered by a court order under section 45.

SECTION 41. The spouses may jointly designate one or more properties as matrimonial homes, and thereupon this Part ceases to apply to any property other than those designated. The designation must be registered.

SECTIONS 42 AND 43. A spouse may not sell, lease, mortgage or otherwise deal with the matrimonial home without the written consent of the other spouse, regardless of whether one spouse is sole legal and beneficial owner of the home. If a spouse deals with the home without consent, the transaction can be set aside unless an innocent third party holds the interest at that time.

A third party acquiring an interest in the home is protected if the spouses both join in the transaction, the non-owning spouse's consent in writing is obtained, a court dispenses with the consent under section 44 or the owning spouse provides an affidavit that the property was never the matrimonial home.

The non-owning spouse is protected by requiring landlords, mortgagees and other lienholders to accept payment from and give notice to that spouse as if he or she were an owner.

as a matrimonial home under section 39, subject to subsection 1 of this section.

(5) Upon there ceasing to be a designation under subsection 1, section 39 applies in respect of property that is ^{Revival of matrimonial homes} a matrimonial home.

42.—(1) No spouse shall dispose of, agree to dispose of or encumber any interest in a matrimonial home unless the other spouse joins in the instrument or consents to the transaction in writing in the form prescribed by the regulations. ^{Consent to alienation}

(2) Where a spouse disposes of, agrees to dispose of or encumbers an interest in a matrimonial home without the consent of the other as required by subsection 1, the transaction may be set aside on an application under section 44 unless the person holding the interest or encumbrance at the time of the application acquired it for value, in good faith and without notice that the property was at the time of the disposition, agreement or encumbrance a matrimonial home. ^{Setting aside transaction}

(3) Where a person acquires an interest in property from a married person or from a person claiming under a predecessor in title who was at the time of the disposition by him a married person, and, ^{Duty to inquire}

- (a) the spouse of the married person joins in the instrument or consents to the transaction as required by subsection 1;
- (b) the transaction is authorized by court order or an order has been made releasing the property as a matrimonial home;
- (c) an instrument designating another property as a matrimonial home of the married person and his or her spouse is registered under section 41 and not cancelled;
- (d) the disposition, agreement or encumbrance took place before this Part comes into force; or
- (e) the married person affirms by statutory declaration that the property has never been occupied by the married person and his or her spouse as a matrimonial home and the person acquiring the interest has no notice to the contrary,

the person acquires the interest free from any obligation or remedy under this Part.

(4) This section does not apply to the acquisition of an interest in property by operation of law. ^{Liens arising by operation of law}

Right of
redemption
and to
notice

43.—(1) Where a person is proceeding to realize upon a lien, encumbrance or execution or exercises a forfeiture against property that is a matrimonial home, the spouse who has a right of possession by virtue of section 39 has the same right of redemption or relief against forfeiture as the other spouse has and is entitled to any notice respecting the claim and its enforcement or realization to which the other spouse is entitled.

Service of
notice

(2) Any notice to which a spouse is entitled by virtue of subsection 1 shall be deemed to be sufficiently given if served or given personally or by registered mail addressed to the person to whom notice is to be given at his or her usual or last known address or, where none, the address of the matrimonial home, and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing.

Effect of
payments
made by
spouse

(3) Where a spouse makes any payment by way of or on account of redemption or relief against forfeiture under the right conferred by subsection 1, the payment shall be applied in satisfaction of the claim giving rise to the lien, encumbrance, execution or forfeiture.

Powers of
court
respecting
alienation

44. The court may, on the application of a spouse or person having an interest in property, by order,

- (a) determine whether or not property is the matrimonial home and, if so, its extent;
- (b) authorize the disposition or encumbrance of the matrimonial home where the court finds that the spouse whose consent is required,
 - (i) cannot be found or is not available,
 - (ii) is not capable of giving or withholding consent, or
 - (iii) is unreasonably withholding consent,

subject to such terms and conditions including provision of other comparable accommodation or payment in place thereof as the court considers appropriate;

- (c) dispense with any notice required to be given under section 43; and
- (d) direct the setting aside of any transaction disposing of or encumbering an interest in the matri-

SECTION 45. The court has power to grant exclusive possession of part or all of the home and contents, but is not to exercise the power unless satisfied that other provision for shelter is inadequate in the circumstances.

monial home without the required consent and the reversion of the interest or any part of the interest upon such terms and subject to such conditions as the court considers appropriate.

45.—(1) Notwithstanding the ownership of a matrimonial home and its contents, and notwithstanding section 40, the court on application may by order, Order for possession of matrimonial home

- (a) direct that one spouse be given exclusive possession of a matrimonial home or part thereof for life or for such lesser period as the court directs and release any other property that is a matrimonial home from the application of this Part;
- (b) direct a spouse to whom exclusive possession of a matrimonial home is given to pay such periodic payments to the other spouse as is prescribed in the order;
- (c) direct that the contents of a matrimonial home, or any part thereof, remain in the home for the use of the person given possession;
- (d) fix the obligation to repair and maintain the matrimonial home or to pay other liabilities arising in respect thereof;
- (e) authorize the disposition or encumbrance of the interest of a spouse in a matrimonial home subject to the right to exclusive possession of the other spouse as ordered; and
- (f) where a false declaration is given under subsection 3 of section 42, direct the substitution of other real property for the matrimonial home or the setting aside of money or security to stand in place thereof, subject to such terms and conditions as the court considers appropriate.

(2) An order may be made under subsection 1 for temporary relief or pending the bringing or disposition of another application under this Act. Temporary possession

(3) An order for exclusive possession under subsection 1 shall not be made in favour of a spouse that does not have any other property interest in the matrimonial home unless, in the opinion of the court, other provision for shelter is not adequate in the circumstances or it is in the best interests of a child to do so. Order where no property interest

(4) A provincial court (family division) shall not make an order under clause *d* of section 44 or clause *e* or *f* of sub- Limitation on jurisdiction of family court

section 1 except for the provision of necessities or preventing the dependant from becoming a public charge.

Variation
of order

46. Upon the application of a person named in an order made under clause *a, b, c* or *d* of subsection 1 of section 45 and where the court is satisfied that there has been a material change in circumstances, the court may discharge, vary or suspend the order.

Interim
order for
preservation
of property

47. In an application under this Part, the court may make such interim order as it considers necessary for the delivering up, safekeeping and preservation of the matrimonial home or its contents.

Registration
of order
R.S.O. 1970,
cc. 409, 234

48. An order made under this Part is registrable against land under *The Registry Act* and *The Land Titles Act*.

Application
of Part

49.—(1) This Part applies to matrimonial homes that are situated in Ontario.

Idem

(2) This Part applies notwithstanding that,

- (a) the spouses entered into the marriage before this Part comes into force; or
- (b) the matrimonial home was acquired before this Part comes into force,

but does not apply to proceedings respecting possession of a matrimonial home that were commenced before this Part comes into force.

PART IV

DOMESTIC CONTRACTS

Interpre-
tation

50. In this Part,

- (a) “cohabitation agreement” means an agreement entered into under section 52;
- (b) “domestic contract” means a marriage contract, separation agreement or cohabitation agreement;
- (c) “marriage contract” means an agreement entered into under section 51;
- (d) “separation agreement” means an agreement entered into under section 53.

Marriage
contracts

51. Two persons may enter into an agreement, before their marriage or during their marriage while cohabiting,

SECTION 48. An order for possession may be registered against the land so as to provide notice to third parties.

SECTION 49. This Part applies to all matrimonial homes in Ontario, whether or not the spouses have a marriage contract (see section 55) and whether or not the spouses are otherwise subject to Ontario property law (see section 12). This Part covers persons married and matrimonial homes acquired before this Act comes into force, except where a spouse has applied for an order for possession before this Act is in effect.

SECTIONS 50 TO 53. This Part overcomes the common law rule which held that marriage contracts contemplating a future separation or divorce were void.

The sections create a general category called "domestic contracts", which is made up of marriage contracts, cohabitation agreements and separation agreements. Cohabitation contracts are akin to marriage contracts, but the parties are common law spouses as defined in section 13. Only a separation agreement may provide for custody of or access to children.

Court approval must be given to the marriage contract of a minor capable of entering into a marriage. Similarly, court approval is required where a committee enters into a marriage contract on behalf of a spouse who becomes mentally incompetent.

in which they agree on their respective rights and obligations under the marriage or upon separation or the annulment or dissolution of the marriage or upon death, including,

- (a) ownership in or division of property;
- (b) support obligations;
- (c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- (d) any other matter in the settlement of their affairs.

52. A man and a woman who are cohabiting may enter into an agreement in which they agree on their respective rights and obligations during cohabitation, or upon ceasing to cohabit or death, including, Cohabitation agreements

- (a) ownership in or division of property;
- (b) support obligations;
- (c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- (d) any other matter in the settlement of their affairs.

53. Two persons who are married or spouses as defined in subclause i of clause b of section 13 and who have ceased to cohabit may enter into an agreement in which they agree on their respective rights and obligations, including, Separation agreements

- (a) ownership in or division of property;
- (b) support obligations;
- (c) the right to direct the education and moral training of their children;
- (d) the right to custody of and access to their children; and
- (e) any other matter in the settlement of their affairs.

54.—(1) A domestic contract and any agreement to amend or rescind a domestic contract are not binding unless made in writing and signed by the persons to be bound and witnessed. Form of contract

Capacity
of minor

(2) A minor who has capacity to contract marriage has capacity to enter into a domestic contract that is approved by the court, whether the approval is given before or after the contract is entered into.

Agreement
on behalf of
mentally
incompetent

(3) The committee of a person who is mentally incompetent or, if the committee is the spouse of such person or, if there is no committee, the Public Trustee may, subject to the approval of the court, enter into a domestic contract or give any waiver or consent under this Act on behalf of the mentally incompetent person.

Rights re
matrimonial
home
excepted

55.—(1) Any provision in a marriage contract purporting to limit the rights of a spouse under Part III in respect of a matrimonial home is void.

Subject
to best
interests
of child

(2) In the determination of any matter respecting the support, education, moral training or custody of a child, the court may disregard any provision of a domestic contract pertaining thereto where, in the opinion of the court, to do so is in the best interests of the child.

Dum casta
clauses

(3) A provision in a domestic contract whereby any right of a spouse is dependent upon remaining chaste is void, but this subsection shall not be construed to affect a contingency upon remarriage or cohabitation with another.

Rights of
donors of
gifts

56. Where a domestic contract provides that specific gifts made to one or both parties are not disposable without the consent of the donor, the donor shall be deemed to be a party to the contract for the purpose of the enforcement or any amendment of the provision.

Contracts
made outside
Ontario

57. The manner and formalities of making a domestic contract and its essential validity and effect are governed by the proper law of the contract, except that,

(a) a contract for which the proper law is that of a jurisdiction other than Ontario, is also valid and enforceable in Ontario if entered into in accordance with the internal law of Ontario; and

(b) section 55 applies in Ontario to contracts for which the proper law is that of a jurisdiction other than Ontario.

Paternity
agreements

58.—(1) Where a man and a woman who are not spouses enter into an agreement to which a children's aid society is a party for the payment of the expenses of prenatal care and birth in respect of a child or for the support of a child

SECTION 55. Before separation, a spouse may not contract out of the right to control dealings with the matrimonial home or obtain possession of it. Any provision in a domestic contract respecting a child is to be enforced only if in the child's best interests. Subsection 3 invalidates a *dum casta* clause. See also section 17 (3).

Domestic contracts will also be invalid for any reason that would void another kind of contract, such as fraud, duress or undue influence.

Where a provision is held void, the court will determine under the ordinary law of contract whether the provision can be severed so as to allow enforcement of the remainder of the contract.

SECTION 56. Where a third party makes a gift to either or both spouses, subject to the condition that they do not dispose of it without his consent, and this provision is contained in a marriage contract, the person making the gift can enforce the provision notwithstanding that he was not a party to the original contract.

SECTION 57. A marriage contract may be subject to foreign law. If it is valid under either the foreign law or Ontario law, it will be recognized in Ontario. However, no marriage contract will be enforced to the extent that it contradicts section 55 or 17 (3).

SECTION 58. This section replaces the provisions for affiliation agreements formerly found in Part III of *The Child Welfare Act*. That Part is repealed by section 72.

SECTION 59. Domestic contracts entered into before this Act comes into force are valid, and subsisting affiliation agreements and separation agreements are preserved.

SECTIONS 60 TO 64. This Part replaces *The Fatal Accidents Act* and extends that Act to cover non-fatal injuries, as recommended by the Ontario Law Reform Commission in Part I of its Report on Family Law. It also replaces the actions for loss of consortium and loss of services of a child (see section 69).

With the abolition of the husband's property in the services of his wife and the parent's property in the services of a child, and the creation of a new, qualified obligation of support under this Act, a new basis is created on which family members can recover expenses they incur for the benefit of an injured person. This section will allow them to recover the same kind of pecuniary loss as can now be recovered under *The Fatal Accidents Act*.

Section 60 extends the right to claim to a broader class of related person than under *The Fatal Accidents Act*. Subsection 2 codifies the case law under *The Fatal Accidents Act*.

The following sections are based on the provisions of that Act and require all claimants to join in one action. Insurance payments are not to be considered in assessing damages. The \$800 limit on funeral expenses is removed to allow recovery of reasonable funeral expenses actually incurred.

or for both, on the application of a party to the agreement made to a provincial court (family division) or the Unified Family Court, the court may incorporate the agreement in an order, and Part II applies to the order in the same manner as if it were an order for support made under that Part.

(2) Where an application is made under subsection 1 and a judge of the court is satisfied that the respondent is about to leave Ontario, the judge may issue a warrant in the form prescribed by the rules of the court for the arrest of the respondent. ^{1 Absconding respondent}

(3) This section applies to agreements referred to in subsection 1 that were made before this Part comes into force. ^{Application to pre-existing agreements}

59. A separation agreement or marriage contract validly made before this Part comes into force shall be deemed to be a domestic contract for the purposes of this Act. ^{Application of Act to pre-existing contracts}

PART V

DEPENDANTS' CLAIM FOR DAMAGES

60.—(1) Where a person is injured or killed by the fault or neglect of another under circumstances where the person is entitled to recover damages, or would have been entitled if not killed, the spouse, as defined in Part II, children, grandchildren, parents, grandparents, brothers and sisters of the person are entitled to recover their pecuniary loss resulting from the injury or death from the person from whom the person injured or killed is entitled to recover or would have been entitled if not killed, and to maintain an action for the purpose in a court of competent jurisdiction. ^{Right of dependants to sue in tort}
R.S.O. 1970, c. 164, s. 3 (1), *amended*.

(2) In an action under subsection 1, the right to damages is subject to any apportionment of damages due to contributory fault or neglect of the person who was injured or killed. ^{Contributory negligence} *New*.

(3) Not more than one action lies under subsection 1 for and in respect of the same occurrence, and no such action shall be brought after the expiration of two years from the time the cause of action arose. ^{One action and limitation of actions} R.S.O. 1970, c. 164, s. 5; 1975, c. 38, s. 1.

61.—(1) An action under subsection 1 in respect of a person who is killed shall be commenced by and in the name of the executor or administrator of the deceased. ^{Executor to sue where death} R.S.O. 1970, c. 164, s. 3, *part, amended*.

When action
may be
brought by
persons
beneficially
interested

(2) If there is no executor or administrator of the deceased, or if there is an executor or administrator and no such action is, within six months after the death of the deceased, brought by the executor or administrator, the action may be brought by all or any of the persons for whose benefit the action would have been if it had been brought by the executor or administrator.

Regulations
and pro-
cedure in
such case

(3) Every action so brought is for the benefit of the same persons and is subject to the same regulations and procedure, as nearly as may be, as if it were brought by the executor or administrator. R.S.O. 1970, c. 164, s. 7.

Joining
claims

62.—(1) Where an action is commenced under section 60, the plaintiff shall, in his statement of claim, name and join the claim of any other person who is entitled to maintain an action under section 60 in respect of the same injury or death and thereupon such person becomes a party to the action.

Affidavit

(2) A person who commences an action under section 60 shall file with the statement of claim an affidavit stating that to the best of his knowledge, information and belief the persons named in the statement of claim are the only persons who are entitled or claim to be entitled to damages under section 60. R.S.O. 1970, c. 164, s. 6 (1, 2), *amended*.

How money
may be paid
into court

63.—(1) The defendant may pay into court one sum of money as compensation for fault or neglect, to all persons entitled to compensation without specifying the shares into which it is to be divided. R.S.O. 1970, c. 164, s. 4.

Apportion-
ment

(2) Where the compensation has not been otherwise apportioned, a judge may apportion it among the persons entitled.

When pay-
ment may
be
postponed

(3) The judge may in his discretion postpone the distribution of money to which minors are entitled and may direct payment from the undivided fund. R.S.O. 1970, c. 164, s. 8.

Assessment
of damages,
insurance

64.—(1) In assessing the damages in an action brought under this Part, the court shall not take into account any sum paid or payable as a result of the death or injury under a contract of insurance.

Funeral
expenses

(2) For the purposes of this Part, damages may be awarded for reasonable expenses actually incurred for the burial of the person in respect of whose death the action is brought. R.S.O. 1970, c. 164, s. 3 (2, 3), *amended*.

SECTION 65. This section formerly appeared as section 1 (1, 2, 4) of *The Family Law Reform Act, 1975*. Subsection 3 (c) is new.

SECTION 66. This section formerly appeared as section 3 of *The Family Law Reform Act, 1975*.

SECTION 67. This section formerly appeared as section 4 of *The Family Law Reform Act, 1975*.

SECTION 68. The domicile of a minor is no longer dependent automatically on the domicile of the father alone. A minor who is or has been married is capable of acquiring a domicile as if an adult.

PART VI

AMENDMENTS TO THE COMMON LAW AND
STATUTE LAW

65.—(1) For all purposes of the law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband. Unit of legal personality abolished

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if such person were an unmarried person. 1975, c. 41, s. 1 (1, 2). Capacity of married person

(3) Without limiting the generality of subsections 1 and 2, Idem

(a) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;

(b) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman; 1975, c. 41, s. 1 (3), *part*.

(c) the same rules shall be applied to determine the domicile of a married woman as for a married man.

(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed. 1975, c. 41, s. 1 (4). Purpose of subss. 1, 2

66. No person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child. 1975, c. 41, s. 3. Actions between parent and child

67. No person shall be disentitled from recovering damages in respect of injuries incurred for the reason only that the injuries were incurred before his birth. 1975, c. 41, s. 4. Recovery for prenatal injuries

68.—(1) Subject to subsection 2, a child who is a minor, Domicile of minors

(a) takes the domicile of his or her parents, where both parents have a common domicile;

(b) takes the domicile of the parent with whom the child habitually resides, where the child resides with one parent only;

(c) takes the domicile of the father, where the domicile of the child cannot be determined under clause *a* or *b*; or

(d) takes the domicile of the mother, where the domicile of the child cannot be determined under clause *c*.

Idem

(2) The domicile of a minor who is or has been a spouse shall be determined in the same manner as if the minor were of full age.

Criminal
conversation
abolished

69.—(1) No action shall be brought for criminal conversation or for any damages resulting therefrom or from adultery.

Enticement
and
harbouring
of spouse
abolished

(2) No action shall be brought by a married person for the enticement or harbouring of the spouse of such person or for any damages resulting therefrom.

Loss of
consortium
abolished

(3) No action shall be brought by a married person for the loss of the consortium of his or her spouse or for any damages resulting therefrom.

Enticement,
harbouring,
seduction,
loss of
services
of child
abolished

(4) No action shall be brought by a parent for the enticement, harbouring, seduction or loss of services of his or her child or for any damages resulting therefrom.

R.S.O. 1970,
c. 428;
1971, c. 98,
Sched.,
par. 30,
repealed

(5) *The Seduction Act*, being chapter 428 of the Revised Statutes of Ontario, 1970 and paragraph 30 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 228, s. 59,
amended

(6) Section 59 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "criminal conversation, seduction" in the first line.

Dower
abolished

70.—(1) The common law right of a widow to dower is hereby abolished.

R.S.O. 1970,
c. 135;
1971, c. 98,
Sched.,
par. 11,
repealed

(2) *The Dower Act*, being chapter 135 of the Revised Statutes of Ontario, 1970, and paragraph 11 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 152, s. 28 (2),
repealed

(3) Subsection 2 of section 28 of *The Execution Act*, being chapter 152 of the Revised Statutes of Ontario, 1970, is repealed.

SECTION 69. This section abolishes several old and little used common law actions, as recommended by the Ontario Law Reform Commission in Part I of its Report on Family Law. The loss of consortium and loss of services actions are replaced by sections 60 to 64. Subsection 5 results from the abolition of the seduction action.

SECTION 70. Because of the rights conferred on husbands and wives under Parts I and III, dower is abolished. Subsection 4 preserves vested rights of dower where the husband dies before this Act comes into force. Where money has been paid into court in respect of an inchoate dower interest, the husband is entitled to recover the money. Subsections 2 and 3 repeal statutory references to dower.

The widower's right of curtesy is abolished by *The Succession Law Reform Act, 1977* (Bill 00).

SECTION 71. The alimony action is abolished, as it is replaced by Part II. Applications to vary existing alimony orders are to be made under section 20. Alimony actions that have not come to trial are converted into applications for support under Part II.

SECTION 72. Part III of *The Child Welfare Act* is replaced by Part II and section 58.

SECTION 73. *The Children's Maintenance Act* is replaced by Part II.

SECTION 74. The amendment is consequential to section 29 (2).

SECTION 75. *The Deserted Wives' and Children's Maintenance Act* is replaced by Part II.

(4) Subsections 1, 2 and 3 do not apply in respect of a ^{Vested right to} right to dower that has vested before subsections 1 and 2 ^{dower} come into force.

(5) Where money has been paid into court as an in- ^{Refund of} demnity in respect of a right to dower that has not vested ^{indemnity} before this section comes into force, the husband of the ^{held by} person in respect of whose dower right the money was ^{accountant} paid into court is entitled to be paid the money upon appli- ^{for dower} cation to the accountant of the court, without order.

71.—(1) The right of a married woman to alimony under ^{Alimony} any law existing before this section comes into force is ^{abolished} hereby abolished.

(2) Where an action for alimony is commenced before ^{Continuation} subsection 1 comes into force and no evidence has been ^{of action} heard in the action before this Act comes into force, other ^{commenced} than in respect of an interim order, the action shall be deemed to be an application under Part II subject to such directions as the court considers appropriate.

72. Part III of *The Child Welfare Act*, being chapter 64 ^{R.S.O. 1970,} of the Revised Statutes of Ontario, 1970, as amended by the ^{c. 64, Part III,} Statutes of Ontario, 1971, chapter 98, Schedule, paragraph 6, ^{repealed} subparagraph ii, 1972, chapter 109, section 6, 1973, chapter 75, section 5 and 1975, chapter 1, sections 25, 26, 27 and 28, are repealed.

73. *The Children's Maintenance Act*, being chapter 67 of ^{R.S.O. 1970,} the Revised Statutes of Ontario, 1970 and subsection 2 of ^{c. 67;} section 18 of *The Age of Majority and Accountability Act*, ^{1971, c. 98,} 1971, being chapter 98, are repealed. ^{s. 18 (2),} ^{repealed}

74. Section 4 of *The Creditors Relief Act*, being chapter ^{R.S.O. 1970,} 97 of the Revised Statutes of Ontario, 1970, is amended by ^{c. 97, s. 4 (9),} adding thereto the following subsection: ^{amended}

(9) This section does not apply to an attachment made ^{1977, c. ...} under section 24 of *The Family Law Reform Act*, ^{exempted} 1977.

75. *The Deserted Wives' and Children's Maintenance Act*, ^{R.S.O. 1970,} being chapter 128 of the Revised Statutes of Ontario, ^{c. 128,} 1970, subsection 1 of section 18 of *The Age of Majority and* ^{1971, c. 98,} *Accountability Act*, 1971, being chapter 98, and *The Deserted* ^{s. 18 (1);} *Wives' and Children's Maintenance Amendment Act*, 1973, ^{1973, c. 133,} being chapter 133, are repealed. ^{repealed}

1974, c. 122,
s. 9,
re-enacted

76. Section 9 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor:

Garnish-
ment or
attachment
of wages

1977, c. . . .

9. No employer shall dismiss or suspend an employee on the ground that garnishment proceedings are or may be taken against the employee or that an attachment order under section 24 of *The Family Law Reform Act, 1977* has been or may be made against the employee.

1975, c. 41,
ss. 1-4,
repealed

77. Sections 1, 2, 3 and 4 of *The Family Law Reform Act, 1975*, being chapter 41, are repealed.

R.S.O. 1970,
c. 164;
1973, c. 16;
1975, c. 38,
repealed

78. *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, *The Fatal Accidents Amendment Act, 1973*, being chapter 16, and *The Fatal Accidents Amendment Act, 1975*, being chapter 38, are repealed.

R.S.O. 1970,
c. 222,
amended;
1971, c. 98,
s. 18 (3),
Sched.,
par. 14,
subpar. 1,
repealed

79. Subsection 4, subsection 4a as enacted by the Statutes of Ontario, 1971, chapter 98, section 18, and subsection 5 of section 1, subsection 2 of section 2, section 10 and section 15 as re-enacted by the Statutes of Ontario, 1971, chapter 98, section 16, of *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, and section 16, subsection 3 of section 18 and subparagraph i of paragraph 14 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 228, s. 81,
repealed

80.—(1) Subject to subsection 2, section 81 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed.

Continu-
ance for
existing
judgments

(2) The provision repealed by subsection 1 remains in force in respect of a judgment for alimony in an action commenced before this section comes into force.

R.S.O. 1970,
c. 262, ss. 1, 12,
repealed

81. Sections 1 and 12 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed.

R.S.O. 1970,
c. 265, ss. 1-5,
8;
1971, c. 98,
s. 18 (4),
repealed

82. Sections 1, 2, 3, 4, 5 and 8 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970 and subsection 4 of section 18 of *The Age of Majority and Accountability Act, 1971*, being chapter 98, are repealed.

R.S.O. 1970,
c. 336,
repealed

83. *The Parents' Maintenance Act*, being chapter 336 of the Revised Statutes of Ontario, 1970, is repealed.

SECTION 76. *The Employment Standards Act, 1974* is amended to extend the protection against dismissal or suspension in respect of garnishment of wages to cover attachment of wages under section 29 of this Act.

SECTION 77. Sections 1 to 4 of *The Family Law Reform Act, 1975* are incorporated in or replaced by this Act. See sections 6, 7, 65, 66 and 67.

SECTION 78. *The Fatal Accidents Act* is incorporated in sections 60 to 64.

SECTION 79. Provisions of *The Infants Act* relating to support and marriage contracts are repealed, as they are replaced by Part II and Part IV, respectively.

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SECTION 80. The repeal of section 81 of *The Judicature Act*, which allows the registration of alimony orders against land, results from the abolition of alimony in section 71.

SECTION 81. The remaining sections of *The Married Women's Property Act* are repealed, as they are replaced by sections 7 and 8.

SECTION 82. Provisions of *The Matrimonial Causes Act* relating to support on the annulment of a marriage are repealed, as they are replaced by Part II.

SECTION 83. *The Parents' Maintenance Act* is replaced by Part II.

SECTION 84. *The Pension Benefits Act* is amended to make pensions available to satisfy a support order.

SECTION 85. The repealed provision allows support orders made in the Supreme Court to be filed for enforcement in the provincial court (family division). This is provided for in section 26. The repealed provision remains in force for orders made in actions begun before this Act comes into force.

SECTION 86. This amendment is made to bring the terminology in *The Reciprocal Enforcement of Maintenance Orders Act* into line with that used in this Act.

SECTION 87. The provision of *The Statute of Frauds* relating to marriage contracts is replaced by section 54 (1).

SECTION 88. No action or proceeding under the repealed or abolished provisions may be begun after this Act comes into force.

84. Section 24 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970 is amended by adding thereto the following subsection:

R.S.O. 1970,
c. 342,
s. 24,
amended

- (2) Subsection 1 does not apply to the execution, seizure or attachment of moneys payable under a pension plan in satisfaction of an order for support under *The Family Law Reform Act*, 1977.

Application
of subs. 1

1977, c. ...

85.—(1) Subject to subsection 2, section 25 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 369, s. 25,
repealed

(2) The provision repealed by subsection 1 remains in force in respect of a judgment or order for alimony or maintenance made in an action commenced before this section comes into force.

Continu-
ance for
existing
judgments

86.—(1) Subsection 1 of section 4 of *The Reciprocal Enforcement of Maintenance Orders Act*, being chapter 403 of the Revised Statutes of Ontario, 1970, is amended by striking out "a summons" in the seventh line and inserting in lieu thereof "notice".

R.S.O. 1970,
c. 403,
s. 4 (1),
amended

(2) Subclause i of clause a of subsection 3 of the said section 4 is amended by striking out "summons" in the fourth line and inserting in lieu thereof "notice".

Idem
s. 4 (3) (a) (i),
amended

87. Section 4 of *The Statute of Frauds*, being chapter 444 of the Revised Statutes of Ontario, 1970, is amended by striking out "any agreement made upon consideration of marriage, or upon" in the fifth and sixth lines.

R.S.O. 1970,
c. 444, s. 4,
amended

88. Sections 69, 72, 73, 75, 78, 79, 81, 82 and 83 apply in all cases when they come into force except in cases where an action or proceeding was commenced under the abolished, repealed or amended provision before that date.

Application
of ss. 69, 72, 73,
75, 78, 79, 81, 82
and 83

GENERAL

89. The Lieutenant Governor in Council may make regulations respecting any matter required to be or referred to as prescribed by the regulations.

Regulations

90. This Act comes into force on the 1st day of September, 1977.

Commence-
ment

91. This Act may be cited as *The Family Law Reform Act*, 1977.

Short title

An Act to reform the Law respecting
Property Rights and Support Obligations
between Married Persons and in other
Family Relationships

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

The Marriage Act, 1977

THE HON. R. McMURTRY
Attorney General

EXPLANATORY NOTE

The Bill revises *The Marriage Act* for the purpose of implementing some of the recommendations of the Ontario Law Reform Commission made in Part II of its Report on Family Law (Marriage) and also to implement certain administrative improvements.

The principal changes are:

1. The Act only applies to the first marriage ceremony and permits additional ceremonies by the same couple. (s. 1 (2)).
2. The requirement of fifteen days residence is deleted.
3. The minimum age for marriage is 18 years or 16 years with consent of the parents. (s. 5).
4. The duty of performing civil marriages now performed by provincial judges and county and district court judges is extended to justices of the peace and other designated persons. (s. 24).
5. The action for breach of promise of marriage is abolished. (s. 32)
6. The question of fault is removed from consideration of the question of entitlement to gifts made in contemplation of or conditional upon marriage. (s. 33)
7. The procedural forms and prescribing of fees are moved from the Act to be provided by regulations.

BILL 7

1977

The Marriage Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “band” means a band as defined in the *Indian Act* (Canada); R.S.C. 1970,
c. I-6
- (b) “church” includes chapel, meeting-house or place set aside for religious worship;
- (c) “Indian” means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada);
- (d) “issuer” means a person authorized under this Act to issue marriage licences;
- (e) “judge” means a provincial judge or a judge of a county or district court;
- (f) “licence” means a marriage licence issued under this Act;
- (g) “Minister” means the Minister of Consumer and Commercial Relations;
- (h) “prescribed” means prescribed by the regulations;
- (i) “regulations” means the regulations made under this Act;
- (j) “reserve” means a reserve as defined in the *Indian Act* (Canada). R.S.O. 1970, c. 261, s. 1; 1972, c. 1, s. 44 (1-3), *amended*.

Application
of Act to
subsequent
ceremonies

(2) This Act does not apply in respect of any ceremony or form of marriage gone through by two persons who are married to each other by a marriage previously solemnized in accordance with this Act or recognized as valid in Ontario.
New.

Administra-
tion

2. The administration of this Act is under the direction of the Minister.

Delegation
of powers
and duties

3. Where, under this Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister of Consumer and Commercial Relations, or to any officer or officers of the Ministry of Consumer and Commercial Relations, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation. 1972, c. 1, s. 44 (3), *amended*.

Authority
to marry

4. No marriage may be solemnized except under the authority of a licence issued in accordance with this Act or the publication of banns. R.S.O. 1970, c. 261, s. 4 (1), *amended*.

Who may
marry

5.—(1) Any person who is of the age of majority may obtain a licence or be married under authority of publication of banns, provided no lawful cause exists to hinder the solemnization. R.S.O. 1970, c. 261, s. 5 (1), *amended*.

Idem

(2) No person shall issue a licence to a minor, or solemnize the marriage of a minor under the authority of the publication of banns, except where the minor is of the age of sixteen years or more and has the consent in writing of both parents in the form prescribed by the regulations.

Giving of
consent

(3) The consent referred to in subsection 2 is not required in respect of a person who is a widow, widower or divorced.

Idem

(4) Where one of the parents of a minor is dead or both parents are living apart, the consent required by subsection 2 may be given by the parent having actual or legal custody of the minor.

Idem

1974, c. 2

(5) Where both parents of a minor are dead or are voluntary or involuntary patients in a psychiatric facility, or are residents of a facility under *The Developmental Services Act, 1974*, the consent required by subsection 2 may be given by a lawfully appointed guardian or an acknowledged guardian who has brought up or who for the three years immediately preceding the intended marriage has supported the minor.

(6) Where a minor is made a ward of someone other than ^{Idem} a parent by order of a court or under any Act, the consent required by subsection 2 may be given by the lawful guardian of the minor or person responsible for exercising the rights and duties of a guardian of the minor. R.S.O. 1970, c. 261, ss. 7, 8, *amended*.

6.—(1) Where a person whose consent is required by section 5 is not available or unreasonably or arbitrarily with- ^{Application to dispense with consent} holds his consent, the person in respect of whose marriage the consent is required may apply to a judge without the intervention of a next friend for an order dispensing with the consent.

(2) The judge shall hear the application in a summary ^{Powers of judge} manner and may, in his discretion, make an order dispensing with the consent required by section 5. R.S.O. 1970, c. 261, s. 9, *amended*.

7. No person shall issue a licence to or solemnize the marriage of any person whom he knows or has reasonable grounds to believe is mentally ill or mentally defective or under the influence of intoxicating liquor or drugs. ^{Persons mentally ill or under influence} R.S.O. 1970, c. 261, s. 6, *amended*.

8.—(1) An applicant for a licence who has been previously ^{Where dissolution of former marriage recognized in Ontario} married is entitled to be issued a licence if such marriage has been dissolved or annulled and such dissolution or annulment is recognized under the law of Ontario and the applicant otherwise complies with the requirements of this Act.

(2) Subject to subsection 6, no issuer shall issue a licence ^{Material to be filed with issuer where dissolution in Canada} to a person whose previous marriage has been dissolved or annulled in Canada unless such person deposits with the issuer,

(a) the final decree or judgment dissolving or annulling the marriage or a copy of the final decree or judgment or Act dissolving or annulling the marriage, certified by the proper officer; and

(b) such other material as the issuer may require.

(3) Subject to subsection 6, no issuer shall issue a licence ^{Where dissolution, etc., outside Canada} to a person whose previous marriage has been dissolved or annulled elsewhere than in Canada, unless the authorization in writing of the Minister is obtained upon the deposit of such material as he may require.

Review of
refusal to
issue
licence

1971, c. 48

(4) Where an application for a licence by a person claiming to be entitled to be issued a licence under subsection 1 or on the grounds that the applicant is mentally ill or mentally defective is refused by an issuer, or the Minister refuses to issue an authorization under subsection 3, such person may make an application for judicial review under *The Judicial Review Procedure Act, 1971* to the Supreme Court for an order directing that a licence be issued to him and if the court finds that he is so entitled it may make such an order.

Parties

(5) The applicant, the Minister and such other persons as the court may order are parties to an application under subsection 4.

Issue of
licence
under court
order

(6) Where an applicant for a licence files with an issuer, together with his application, an order of the Supreme Court made on an application under subsection 4 directing that a licence be issued to him, the issuer shall issue the licence. 1971, c. 50, s. 55 (1).

Application
for presump-
tion of death

9.—(1) A married person whose spouse is missing and who alleges,

- (a) that his spouse has been continuously absent for at least seven years immediately preceding the application;
- (b) that his spouse has not been heard from or heard of during such period by the applicant or to the knowledge of the applicant by any other person; and
- (c) that the applicant has made reasonable inquiries and has no reason to believe that his spouse is living,

may apply to the judge of a county or district court for an order under this section.

Order

(2) Upon being satisfied as to the truth of the matters alleged, the judge may, in his discretion, make an order declaring that the spouse shall be presumed dead. R.S.O. 1970, c. 261, s. 11 (1, 2).

Remarriage
authorized

(3) Where an order has been obtained under this section, the person in whose favour the order was made may, subject to the provisions of this Act, obtain a licence or be married under the authority of publication of banns upon depositing a copy of the order with the person issuing the licence or solemnizing the marriage together with an affidavit in the prescribed form.

(4) The order has no effect for any purpose other than the issuance of a licence under subsection 3. R.S.O. 1970, c. 261, s. 11 (3, 4), *amended*. ^{Effect of order}

10. Notwithstanding anything in this Act, if the Minister considers that circumstances justify the issue of a licence in any particular case, he may, in his absolute discretion, authorize the issue of the licence. R.S.O. 1970, c. 261, s. 10, *amended*. ^{Discretionary power of Minister}

11.—(1) Marriage licences may be issued by the clerk of every city, town and village. ^{Issuers}

(2) Where it is considered expedient for the public convenience, the Lieutenant Governor in Council may appoint as an issuer the clerk of any township, or any person resident in a county, or in a township adjacent thereto, or in a provisional judicial district, or a member of a band upon the recommendation of the council of the band. R.S.O. 1970, c. 261, s. 30, *amended*. ^{In townships and unorganized territory}

(3) An issuer may, with the approval in writing of the Minister or of the head of the council of the municipality of which he is clerk, appoint in writing one or more deputies to act for him, and any such deputy while so acting has the power of the issuer appointing him. ^{Deputy issuers}

(4) The issuer shall, upon appointing a deputy, forthwith transmit to the Minister a notice of the appointment, and of the name and official position of the person by whom the appointment has been approved, and the Minister may at any time cancel the appointment. ^{Notice of appointment of deputy}

(5) The deputy shall sign each licence issued by him with the name of the issuer as well as his own name in the following manner: ^{Signature of licences by deputy}

AB, Issuer of Marriage Licences, per CD, Deputy Issuer.

R.S.O. 1970, c. 261, s. 31.

12.—(1) An issuer or the Minister may require evidence to identify any applicant or to establish his status and may examine, under oath if required, any applicant or other person as to any matter pertaining to the issue of a licence. R.S.O. 1970, c. 261, s. 33, *amended*. ^{Evidence on applications}

(2) Where an issuer has reason to believe that any information set out in an application for a licence is untrue, he shall not issue the licence unless, on the production of such further evidence as he may require, he is satisfied as to the truth of the information. R.S.O. 1970, c. 261, s. 35, *amended*. ^{Untrue information}

Record of
licences

13.—(1) Every issuer shall keep in his office a record of the serial number and the date of issue of every licence issued by him, and the names and addresses of the parties to the intended marriage.

Searches

(2) Any person is entitled, upon application, to have a search made respecting any licence issued within three months immediately preceding the date of application. R.S.O. 1970, c. 261, s. 34.

Material to be
forwarded to
Registrar
General

14. Every issuer immediately upon issuing a licence and every person registered as authorized to solemnize marriage upon publishing banns shall forward to the Registrar General,

(a) any consent under section 5;

(b) any judge's order under section 6;

(c) any affidavit or judge's order under section 9;

(d) any documentary or other material filed on the application for a licence under section 8;

(e) any affidavit as to age;

(f) any documentary material obtained under section 12. R.S.O. 1970, c. 261, s. 36, *amended*.

Oaths

15. Issuers may administer oaths for the purposes of this Act. R.S.O. 1970, c. 261, s. 37.

Indians

16. Where both parties to an intended marriage are Indians ordinarily resident on a reserve in Ontario or on Crown lands in Ontario no fee shall be charged for the licence. R.S.O. 1970, c. 261, s. 39, *amended*.

Publication
of banns

17.—(1) Where a marriage is to be solemnized under the authority of publication of banns, the intention to marry shall be proclaimed openly in an audible voice during divine service,

(a) where the parties are in the habit of attending worship at the same church, being within Canada, at that church; or

(b) where the parties are in the habit of attending worship in different churches, being within Canada, in each such church.

Method and
time of
publication

(2) The banns shall be published according to the usage of the denomination, faith or creed of the church in which they are published and during divine Sunday service.

(3) Where the usage of any denomination, faith or creed ^{Exception} substitutes any other day as the usual and principal day of the week for the celebration of divine service, the banns shall be published on such other day.

(4) The person or persons who publish banns shall certify ^{Proof} proof thereof in the prescribed form. R.S.O. 1970, c. 261, s. 15, *amended*.

18. Banns shall not be published where either of the ^{Where banns not to be published} parties to the intended marriage has been married and the marriage has been dissolved or annulled. R.S.O. 1970, c. 261, s. 18, *amended*.

19. Form 1 respecting the prohibited degrees of affinity ^{Prohibited degrees to be endorsed} and consanguinity shall be endorsed on the licence and on the proof of publication of banns. R.S.O. 1970, c. 261, s. 45 (1), *amended*.

20.—(1) No person shall solemnize a marriage unless he ^{Who may solemnize marriage} is authorized by or under section 24 or is registered under this section as a person authorized to solemnize marriage.

(2) Upon application the Minister may, subject to subsec- ^{Application for registration} tion 3, register any person as a person authorized to solemnize marriage.

(3) No person shall be registered unless it appears to the ^{Who may be registered} Minister,

- (a) that the person has been ordained or appointed according to the rites and usages of the religious body to which he belongs, or is, by the rules of that religious body, deemed ordained or appointed;
- (b) that the person is duly recognized by the religious body to which he belongs as entitled to solemnize marriage according to its rites and usages;
- (c) that the religious body to which the person belongs is permanently established both as to the continuity of its existence and as to its rites and ceremonies; and
- (d) that the person is resident in Ontario or has his parish or pastoral charge in whole or in part in Ontario; provided that in the case of a person who is in Ontario temporarily and who, if resident in Ontario, might be registered under this section, the Minister may register him as authorized to solemnize marriage during a period to be fixed by the Minister.

Where no
person
authorized to
solemnize
marriage

(4) Notwithstanding subsection 1, where it appears to the Minister that the doctrines of a religious body described in clause c of subsection 3 do not recognize any person as authorized to solemnize marriage, the Minister may register a person duly designated by a congregation of the religious body who shall, in respect of marriages performed in the congregation, perform all the duties imposed by this Act upon a person solemnizing a marriage, other than performing the solemnization.

Idem

(5) Where a person is registered under subsection 4, every marriage solemnized in the congregation according to the rites, usages and customs of the religious body is valid. R.S.O. 1970, c. 261, s. 22, *amended*.

Register

21.—(1) The Minister shall keep a register of the name of every person registered as a person authorized to solemnize marriage, the date of such registration, and such other particulars as he considers advisable.

Certificate
of
registration

(2) The Minister may issue a certificate of registration under this section in the prescribed form. R.S.O. 1970, c. 261, s. 23.

Cancellation
of
registration

22.—(1) Where it appears to the Minister that any person registered as authorized to solemnize marriage has ceased to possess the qualifications entitling him to be so registered, or for any other cause, the Minister may cancel such registration.

Notice of
change

(2) Every religious body, members of which are registered under this Act, shall notify the Minister of the name of every such member so registered who has died or has ceased to reside in Ontario or has ceased to be associated with such religious body. R.S.O. 1970, c. 261, s. 24.

Publication
of
registration
and
cancellation

23. When a person is registered under this Act as authorized to solemnize marriage, and when any such registration is cancelled, the Minister shall publish notice thereof in *The Ontario Gazette*. R.S.O. 1970, c. 261, s. 25.

Civil
marriage

24.—(1) A judge, a justice of the peace or any other person of a class designated by the regulations may solemnize marriages under the authority of a licence.

Time and
place

(2) The solemnization of a marriage by a judge shall take place in the judge's office and shall be performed between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon.

Form of
ceremony

(3) No particular form of ceremony is required except that in some part of the ceremony, in the presence of the person

solemnizing the marriage and witnesses, each of the parties shall declare:

I do solemnly declare that I do not know of any lawful impediment why I, AB, may not be joined in matrimony to CD,

and each of the parties shall say to the other:

I call upon these persons here present to witness that I, AB, do take you, CD, to be my lawful wedded wife (*or* husband),

after which the person solemnizing the marriage shall say:

I, EF, by virtue of the powers vested in me by *The Marriage Act, 1977*, do hereby pronounce you AB and CD to be husband and wife.

R.S.O. 1970, c. 261, s. 26, *amended*.

25. Every marriage shall be solemnized in the presence of the parties and at least two witnesses who shall affix their names as witnesses to the entry in the register made under section 28. R.S.O. 1970, c. 261, s. 20.

Attendance
of parties and
witnesses

26. No marriage shall be solemnized under the authority of publication of banns unless proof of publication by the person or persons publishing the banns has been deposited with the person solemnizing the marriage. R.S.O. 1970, c. 261, s. 17.

Proof of
publication

27.—(1) A marriage shall not be solemnized under the authority of a licence earlier than the third day after the date of the issue of the licence, but the Minister in his absolute discretion may authorize the solemnization of the marriage earlier than such third day. R.S.O. 1970, c. 261, s. 14, *amended*.

Waiting
period:
under
licence

(2) A marriage shall not be solemnized under the authority of publication of banns, earlier than the fifth day after the date of the publication of banns. R.S.O. 1970, c. 261, s. 16, *amended*.

Idem:
under banns

(3) A marriage shall be solemnized only within the three months immediately following the issue of the licence or the publication of banns, as the case may be. R.S.O. 1970, c. 261, s. 19, *amended*.

Time within
which
marriage to
be solemnized

28.—(1) Every person shall immediately after he has solemnized a marriage,

Entry in
marriage
register

(a) where the marriage was solemnized in a church, enter in the church register kept for the purpose; or

- (b) where the marriage was solemnized elsewhere than in the church, enter in a register kept by him for the purpose,

the particulars prescribed by the regulations, and the entry shall be authenticated by his signature and those of the parties and witnesses. R.S.O. 1970, c. 261, s. 27, *amended*.

Marriage
certificate

(2) Every person who solemnizes a marriage shall, at the time of the marriage, if required by either of the parties thereto, give a certificate of the marriage specifying the names of the parties, the date of the marriage, the names of the witnesses, and whether the marriage was solemnized under the authority of a licence or publication of banns. R.S.O. 1970, c. 261, s. 21, *amended*.

Supply of
marriage
registers

29.—(1) Every person or religious body authorized to solemnize marriages may apply to the Minister for a marriage register, and the Minister shall thereupon supply the register.

Property of
Crown

(2) Every register supplied by the Minister is the property of the Crown. R.S.O. 1970, c. 261, s. 28, *amended*.

Protection
of persons
solemnizing
marriage in
good faith

30. No person who solemnizes or purports to solemnize a marriage is subject to any action or liability by reason of there having been any legal impediment to the marriage unless, at the time he performed the ceremony, he was aware of the impediment. R.S.O. 1970, c. 261, s. 44.

Marriages
solemnized
in good
faith

31. If the parties to a marriage solemnized in good faith and intended to be in compliance with this Act are not under a legal disqualification to contract such marriage and after such solemnization have lived together and cohabited as man and wife, such marriage shall be deemed a valid marriage, notwithstanding that the person who solemnized the marriage was not authorized to solemnize marriage, and notwithstanding the absence of or any irregularity or insufficiency in the publication of banns or the issue of the licence. R.S.O. 1970, c. 261, s. 46.

Breach of
promise of
marriage
abolished

32.—(1) No action shall be brought for a breach of a promise to marry or for any damages resulting therefrom.

Application
of subs. 1

(2) Subsection 1 does not apply in respect of actions for breach of promise to marry or damages resulting therefrom commenced before the day on which this Act comes into force. *New.*

Recovery of
gifts made in
contempla-
tion of
marriage

33. Where one person makes a gift to another in contemplation of or conditional upon their marriage to each

other and the marriage fails to take place or is abandoned, the question of whether or not the failure or abandonment was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift. *New.*

34. The Lieutenant Governor in Council may make regu- ^{Regulations}lations,

- (a) prescribing forms for the purposes of this Act and providing for their use, and requiring any matter therein to be verified by affidavit;
- (b) prescribing any matter required by this Act to be prescribed by the regulations;
- (c) requiring the payment of fees in respect of any matter required or authorized to be done under this Act, and providing for the retention of fees or any portion thereof by issuers and persons solemnizing marriages or any class of them and for the commutation of such fees;
- (d) prescribing the duties of issuers;
- (e) requiring persons authorized to solemnize marriages to furnish such information and returns as are prescribed;
- (f) amending Form 1 to make it conform to the law for the time being;
- (g) designating classes of persons authorized to solemnize marriages under section 24. *New.*

35.—(1) Every person who knowingly makes any false ^{Penalty: false statements} statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

(2) Every person who contravenes any provision of this ^{Idem: general} Act for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 261, ss. 47-52, *amended*.

36. The following are repealed:

^{Repeals}

1. *The Marriage Act*, being chapter 261 of the Revised Statutes of Ontario, 1970.

2. *The Marriage Amendment Act, 1972*, being chapter 32.

3. Section 55 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

4. Section 44 of *The Government Reorganization Act, 1972*, being chapter 1.

Commence-
ment

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

38. This Act may be cited as *The Marriage Act, 1977*.

FORM 1

(Section 19)

Degrees of affinity and consanguinity which, under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
5. Wife's aunt
6. Mother
7. Step mother
8. Wife's mother
9. Daughter
10. Wife's daughter
11. Son's wife
12. Sister
13. Granddaughter
14. Grandson's wife
15. Wife's granddaughter
16. Niece
17. Nephew's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Husband's uncle
6. Father
7. Step father
8. Husband's father
9. Son
10. Husband's son
11. Daughter's husband
12. Brother
13. Grandson
14. Granddaughter's husband
15. Husband's grandson
16. Nephew
17. Niece's husband

The relationships set forth in this table include all such relationships, whether by the whole or half blood.

R.S.O. 1970, c. 261, Form 10, *amended*.

The Marriage Act, 1977

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to reform the Law respecting
Succession to the Estates of Deceased Persons**

THE HON. R. MCMURTRY
Attorney General

EXPLANATORY NOTES

The Bill provides for a comprehensive reform of the law of testate and intestate succession as a part of the general reform of family law. The Bill implements the reports of the Ontario Law Reform Commission relating to wills and international wills and adopts principles relating to estates recommended in its reports on children, support obligations and family property.

Principal changes include the following:

1. The equalization of the treatment of children born within or outside marriage in estate matters.
2. The adoption of *The Uniform Wills Act*, including recognition of the holograph will, and the adoption of the Uniform Law on the Form of an International Will.
3. The adoption of the basic principle of *The Uniform Survivorship Act*.
4. Increasing the preferential share of a spouse on intestacy from \$50,000 to \$75,000 and the provision of a formula for determining a preferential share in cases of partial intestacy.
5. Equalizing the rights of spouses on intestacy to a distributive share in any property remaining after the preferential share and, where there are no children, providing for the surviving spouse to take the remainder to the exclusion of next of kin.
6. Enabling dependants of a deceased person to make a claim for support against the estate not only in cases where the deceased made insufficient provision for them by will but also in cases where the deceased died without a will.
7. Enlarging the classes of persons who may claim support from an estate as dependants generally, so as to include collaterals, and so as to recognize the claims of common law spouses and former spouses in certain cases.
8. Equalizing the effect of conduct on the claims of widows and widowers for support from an estate.
9. Redefining the estate of the deceased against which a claim for support may be made so as to include revocable *inter vivos* trusts and gifts made in contemplation of death and excluding property which is the subject of a contract to make a will to the extent that valuable consideration has been given therefor.
10. Redefining the class of persons who have rights under *The Compensation for Victims of Crime Act, 1971* so as to have a consistent approach with respect to survivors' benefits for dependants.

An Act to reform the Law respecting Succession to the Estates of Deceased Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “child” means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes a child conceived before and born alive after the death of the parent; R.S.O. 1970,
c. 64
- (b) “grandchild” means the child of a child;
- (c) “issue” means any lineal descendant of a person, whether born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes issue conceived before and born alive after the death of the person;
- (d) “parent” means the father or mother of a child;
- (e) “personal representative” means an executor, an administrator or an administrator with will annexed;
- (f) “property” means real or personal property;
- (g) “will” includes,
 - (i) a testament,
 - (ii) a codicil,
 - (iii) an appointment by will or by writing in the nature of a will in exercise of a power, and
 - (iv) any other testamentary disposition. R.S.O. 1970, c. 499, s. 1, *amended*.

Relationship
of persons
born
outside
marriage

(2) In this Act, and in any will unless a contrary intention is shown in the will, a reference to a person in terms of a relationship to another person determined by blood or marriage shall be deemed to include a person who comes within the description notwithstanding that he or any other person through whom the relationship is traced was born outside marriage.

Application
of subs. 2

(3) Subsection 2 applies in respect of wills made on or after the 1st day of September, 1977. *New.*

PART I

TESTATE SUCCESSION

GENERAL

Power to
dispose of
property
by will

2. A person may by will devise, bequeath or dispose of all property (whether acquired before or after making his will), to which at the time of his death he is entitled either at law or in equity, including,

- (a) estates *pur autre vie*, whether there is or is not a special occupant and whether they are corporeal or incorporeal hereditaments;
- (b) contingent, executory or other future interests in property, whether the testator is or is not ascertained as the person or one of the persons in whom those interests may respectively become vested, and whether he is entitled to them under the instrument by which they were respectively created or under a disposition of them by deed or will; and
- (c) rights of entry, whether for conditions broken or otherwise. R.S.O. 1970, c. 499, s. 8, *amended*.

Will to be
in writing

3. A will is valid only when it is in writing. R.S.O. 1970, c. 499, s. 11 (1), *part*.

Execution

4.—(1) Subject to sections 5 and 6, a will is not valid unless,

- (a) at its end it is signed by the testator or by some other person in his presence and by his direction;

- (b) the testator makes or acknowledges the signature in the presence of two or more attesting witnesses present at the same time; and
- (c) two or more of the attesting witnesses subscribe the will in the presence of the testator.

(2) Where witnesses are required by this section, no form ^{Idem} of attestation is necessary. R.S.O. 1970, c. 499, s. 11 (1), *part, amended.*

5.—(1) A person who is,

- (a) a member of the Canadian Forces placed on active service pursuant to the *National Defence Act* (Canada); ^{Will of member of forces on active service} R.S.C. 1970, c. N-4
- (b) a member of any other naval, land or air force while on active service; or
- (c) a mariner or seaman when at sea or in the course of a voyage,

may make a will by a writing signed by him or by some other person in his presence and by his direction without any further formality or any requirement of the presence of or attestation or signature by a witness. R.S.O. 1970, c. 499, s. 13 (1, 3).

(2) For the purpose of this section, a certificate purporting to be signed by or on behalf of an officer having custody of the records certifying that he has custody of the records of the force in which a person was serving at the time the will was made, setting out that the person was on active service at that time, is *prima facie* evidence of that fact. ^{Certificate of active service}

(3) For the purposes of this section, if a certificate under subsection 2 is not available, a member of a naval, land or air force is deemed to be on active service after he has taken steps under the orders of a superior officer preparatory to serving with or being attached to or seconded to a component of such a force that has been placed on active service. *New.* ^{Where certificate not available}

6. A testator may make a valid will wholly by his own handwriting and signature, without formality, and without the presence, attestation or signature of a witness. *New.* ^{Holograph wills}

7.—(1) In so far as the position of the signature is concerned, a will, whether holograph or not, is valid if the ^{Position of signature}

signature of the testator made either by him or the person signing for him is placed at, after, following, under or beside or opposite to the end of the will so that it is apparent on the face of the will that the testator intended to give effect by the signature to the writing signed as his will.

Idem

(2) A will is not rendered invalid by the circumstance that,

- (a) the signature does not follow or is not immediately after the end of the will;
- (b) a blank space intervenes between the concluding words of the will and the signature;
- (c) the signature,
 - (i) is placed among the words of a testimonium clause or of a clause of attestation,
 - (ii) follows or is after or under a clause of attestation either with or without a blank space intervening, or
 - (iii) follows or is after, under or beside the name of a subscribing witness;
- (d) the signature is on a side, page or other portion of the paper or papers containing the will on which no clause, paragraph or disposing part of the will is written above the signature; or
- (e) there appears to be sufficient space on or at the bottom of the preceding side, page or other portion of the same paper on which the will is written to contain the signature.

Idem

(3) The generality of subsection 1 is not restricted by the enumeration of circumstances set out in subsection 2, but a signature in conformity with section 4, 5 or 6 or this section does not give effect to,

- (a) a disposition or direction that is underneath the signature or that follows the signature; or
- (b) a disposition or direction inserted after the signature was made. R.S.O. 1970, c. 499, s. 11 (2), *amended*.

8.—(1) A will made by a person who is under the age of ^{Wills by minors} eighteen years is not valid unless at the time of making the will the person,

(a) is or has been married;

(b) is contemplating marriage and the will states that it is made in contemplation of marriage to a named person except that such a will is not valid unless and until the marriage to the named person takes place;

(c) is a member of a component of the Canadian Forces,

(i) that is referred to in the *National Defence Act* ^{R.S.C. 1970, c. N-4} (Canada) as a regular force, or

(ii) while placed on active service under the *National Defence Act* (Canada); or

(d) is a mariner or seaman and at sea or in the course of a voyage.

(2) A certificate purporting to be signed by or on behalf of ^{Certificate of active service} an officer having custody of the records certifying that he has custody of the records of the force in which a person was serving at the time the will was made, setting out that the person was at that time a member of a regular force or was on active service within clause c of subsection 1, is *prima facie* evidence of that fact.

(3) A person who has made a will under subsection 1 may, ^{Revocation} while under the age of eighteen years, revoke the will. R.S.O. 1970, c. 499, ss. 10, 13 (2), *amended*.

9. No appointment made by will in exercise of any power ^{Exercise of appointments by will} is valid unless the appointment is executed in the manner hereinbefore required, and every will executed in the manner hereinbefore required is, so far as respects the execution and attestation thereof, a valid execution of a power of appointment by will, notwithstanding it has been expressly required that a will made in exercise of such power shall be executed with some additional or other form of execution or solemnity. R.S.O. 1970, c. 499, s. 12.

10. A will made in accordance with this Part is valid ^{Publication unnecessary} without other publication. R.S.O. 1970, c. 499, s. 14, *amended*.

Effect of
incompetency
of witness

11. Where a person who attested a will was at the time of its execution or afterward has become incompetent as a witness to prove its execution, the will is not on that account invalid. R.S.O. 1970, c. 499, s. 15, *amended*.

Bequests
to witness
void

12.—(1) Where a will is attested by a person to whom or to whose then spouse a beneficial devise, bequest or other disposition or appointment of or affecting property, except charges and directions for payment of debts, is thereby given or made, the devise, bequest or other disposition or appointment is void so far only as it concerns,

- (a) the person so attesting;
- (b) the spouse; or
- (c) a person claiming under either of them,

but the person so attesting is a competent witness to prove the execution of the will or its validity or invalidity. R.S.O. 1970, c. 499, s. 16, *part, amended*.

Where will
signed for
testator by
another
person

(2) Where a will is signed for the testator by another person in accordance with section 4, to whom or to whose then spouse a beneficial devise, bequest or other disposition or appointment of or affecting property, except charges and directions for payment of debts, is thereby given or made, the devise, bequest, or other disposition is void so far only as it concerns,

- (a) the person so signing;
- (b) the spouse; or
- (c) a person claiming under either of them,

but the will is not invalid for that reason.

Where no
undue
influence

(3) Notwithstanding anything in this section, where a surrogate court is satisfied that neither the person so attesting or signing for the testator nor the spouse exercised any improper or undue influence upon the testator, the devise, bequest or other disposition or appointment is not void. *New*.

Exception

(4) Where a will is attested by at least two persons who are not within subsection 1 or where no attestation is necessary, the devise, bequest or other disposition or appointment is not void under that subsection. R.S.O. 1970, c. 499, s. 16, *part, amended*.

13. Where property is charged by a will with a debt and a creditor or the spouse of a creditor whose debt is so charged attests a will, the person so attesting, notwithstanding the charge, is a competent witness to prove the execution of the will or its validity or invalidity. R.S.O. 1970, c. 499, s. 17, *amended*. Creditor
as witness

14. A person is not incompetent as a witness to prove the execution of a will or its validity or invalidity solely because he is an executor. R.S.O. 1970, c. 499, s. 18, *amended*. Executor
as witness

15. A will or part of a will is revoked only by, Revocation

- (a) marriage, subject to section 16;
- (b) another will made in accordance with the provisions of this Part;
- (c) a writing,
 - (i) declaring an intention to revoke, and
 - (ii) made in accordance with the provisions of this Part governing making of a will; or
- (d) burning, tearing or otherwise destroying it by the testator or by some person in his presence and by his direction with the intention of revoking it. R.S.O. 1970, c. 499, s. 22, *amended*.

16. A will is revoked by the marriage of the testator except where, Revocation
by marriage

- (a) there is a declaration in the will that it is made in contemplation of the marriage;
- (b) the spouse of the testator elects to take under the will, by an instrument in writing signed by the spouse and filed within one year after the testator's death in the office of the Surrogate Clerk for Ontario; or
- (c) the will is made in exercise of a power of appointment of property which would not in default of the appointment pass to the heir, executor or administrator of the testator or to the persons entitled to the estate of the testator if he died intestate. R.S.O. 1970, c. 499, s. 20, *amended*.

Change in
circum-
stances

17.—(1) Subject to subsection 2, a will is not revoked by presumption of an intention to revoke it on the ground of a change in circumstances. R.S.O. 1970, c. 499, s. 21, *amended*.

Exception on
termination
of marriage

(2) Except when a contrary intention appears by the will, where, after the testator makes a will, his marriage is terminated by a judgment absolute of divorce or is declared a nullity,

- (a) a devise or bequest of a beneficial interest in property to his former spouse;
- (b) an appointment of his former spouse as executor or trustee; and
- (c) the conferring of a general or special power of appointment on his former spouse,

are revoked and the will shall be construed as if the former spouse had predeceased the testator. *New*.

Alterations
in will

18.—(1) Subject to subsection 2, unless an alteration that is made in a will after the will has been made is made in accordance with the provisions of this Part governing making of the will, the alteration has no effect except to invalidate words or the effect of the will that it renders no longer apparent.

How
validly
made

(2) An alteration that is made in a will after the will has been made is validly made when the signature of the testator and subscription of witnesses to the signature of the testator to the alteration, or, in the case of a will that was made under section 5 or 6, the signature of the testator, are or is made,

- (a) in the margin or in some other part of the will opposite or near to the alteration; or
- (b) at the end of or opposite to a memorandum referring to the alteration and written in some part of the will. R.S.O. 1970, c. 499, s. 23, *amended*.

Revival

19.—(1) A will or part of a will that has been in any manner revoked is revived only,

- (a) by a will made in accordance with the provisions of this Part; or
- (b) by a codicil that has been made in accordance with the provisions of this Part,

that shows an intention to give effect to the will or part that was revoked, or,

- (c) by re-execution thereof with the required formalities, if any.

(2) Except when a contrary intention is shown, when a will which has been partly revoked and afterward wholly revoked is revived, the revival does not extend to the part that was revoked before the revocation of the whole. R.S.O. 1970, c. 499, s. 24, *amended*.

20.—(1) A conveyance of or other act relating to property that is the subject of a devise, bequest or other disposition, made or done after the making of a will, does not prevent operation of the will with respect to any estate or interest in the property that the testator had power to dispose of by will at the time of his death. R.S.O. 1970, c. 499, s. 25, *amended*.

(2) Except when a contrary intention appears by the will, where a testator at the time of his death,

- (a) has a right, chose in action or equitable estate or interest that was created by a contract respecting a conveyance of, or other act relating to, property that was the subject of a devise or bequest, made before or after the making of a will;
- (b) has a right to receive the proceeds of a policy of insurance covering loss of or damage to property that was the subject of a devise or bequest, whether the loss or damage occurred before or after the making of the will;
- (c) has a right to receive compensation for the expropriation of property that was the subject of a devise or bequest, whether the expropriation occurred before or after the making of the will; or
- (d) has a mortgage, charge or other security interest in property that was the subject of a devise or bequest, taken by the testator on the sale of such property, whether such mortgage, charge or other security interest was taken before or after the making of the will,

the devisee or donee of that property takes the right, chose in action, equitable estate or interest, right to insurance proceeds or compensation, or mortgage, charge or other security interest of the testator. *New*.

When revived
will deemed
made

21. When a will has been revived in the manner described in section 19, the will shall be deemed to have been made at the time at which it was so revived. R.S.O. 1970, c. 499, s. 19 (10), *amended*.

Will to speak
from death

22. Except when a contrary intention appears by the will, a will speaks and takes effect as if it had been made immediately before the death of the testator with respect to,

(a) the property of the testator; and

(b) the right, chose in action or equitable estate or interest under subsection 2 of section 20. R.S.O. 1970, c. 499, s. 26 (1), *amended*.

Disposition
of property
in void
devise

23. Except when a contrary intention appears by the will, property or an interest therein that is comprised or intended to be comprised in a devise or bequest that fails or becomes void by reason of,

(a) the death of the devisee or donee in the lifetime of the testator; or

(b) the devise or bequest being disclaimed or being contrary to law or otherwise incapable of taking effect,

is included in the residuary devise or bequest, if any, contained in the will. R.S.O. 1970, c. 499, s. 27, *amended*.

Leasehold
estates under
devise of real
property

24. Except when a contrary intention appears by the will, where a testator devises,

(a) his real property;

(b) his real property in a place mentioned in the will, or in the occupation of a person mentioned in the will;

(c) real property described in a general manner; or

(d) real property described in a manner that would include a leasehold estate if the testator had no freehold estate which could be described in the manner used,

the devise includes the leasehold estates of the testator or any of them to which the description extends, as well as freehold estates. R.S.O. 1970, c. 499, s. 28, *amended*.

Disposition
of real
property over
which
testator
has power of
appointment
under devise

25.—(1) Except when a contrary intention appears by the will, a general devise of,

- (a) the real property of the testator;
- (b) the real property of the testator,
 - (i) in a place mentioned in the will, or
 - (ii) in the occupation of a person mentioned in the will; or
- (c) real property described in a general manner,

includes any real property, or any real property to which the description extends, which he has power to appoint in any manner he thinks proper and operates as an execution of the power.

(2) Except when a contrary intention appears by the will, Disposition of personal property over which testator has power of appointment under bequest a bequest of,

- (a) the personal property of the testator; or
- (b) personal property described in a general manner,

includes any personal property, or any personal property to which the description extends, which he has power to appoint in any manner he thinks proper and operates as an execution of the power. R.S.O. 1970, c. 499, s. 29, *amended*.

26. Except when a contrary intention appears by the will, where real property is devised to a person without words of limitation, the devise passes the fee simple or the whole of any other estate or interest that the testator had power to dispose of by will in the real property. R.S.O. 1970, c. 499, s. 30, *amended*. Real property passing under devise without words of limitation

27. Except when a contrary intention appears by the will, where property is devised or bequeathed to the "heir" or "heirs" of the testator or of another person, the words "heir" or "heirs" mean the person to whom the beneficial interest in the property would have gone under the law of Ontario if the testator or the other person died intestate. R.S.O. 1970, c. 499, s. 31, *amended*. Meaning of "heir" in devise of property

28.—(1) Subject to subsection 2, in a devise or bequest of property, Import of words "die without issue", etc.

- (a) the words,
 - (i) "die without issue",

(ii) "die without leaving issue", or

(iii) "have no issue"; or

(b) other words importing either a want or failure of issue of a person in his lifetime or at the time of his death or an indefinite failure of his issue,

mean a want or failure of issue in the lifetime or at the time of death of that person, and do not mean an indefinite failure of his issue unless a contrary intention appears by the will.

Cases to which Part not to extend

(2) This Part does not extend to cases where the words defined in subsection 1 import,

(a) if no issue described in a preceding gift be born; or

(b) if there be no issue who live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to that issue. R.S.O. 1970, c. 499, s. 32, *amended*.

Devise to trustee or executor

29. Except when there is devised to a trustee expressly or by implication an estate for a definite term of years absolute or determinable or an estate of freehold, a devise of real property to a trustee or executor passes the fee simple or the whole of any other estate or interest that the testator had power to dispose of by will in the real property. R.S.O. 1970, c. 499, s. 33, *amended*.

When devise to trustee to pass whole estate beyond what is requisite for trust

30. Where real property is devised to a trustee without express limitation of the estate to be taken by him and the beneficial interest in the real property or in the surplus rents and profits,

(a) is not given to a person for life; or

(b) is given to a person for life but the purpose of the trust may continue beyond his life,

the devise vests in the trustee the fee simple or the whole of any other legal estate that the testator had power to dispose of by will in the real property and not an estate determinable when the purposes of the trust are satisfied. R.S.O. 1970, c. 499, s. 34, *amended*.

Substitutional gifts

31. Except when a contrary intention appears by the will, where a devise or bequest is made to a child, grandchild, brother or sister of the testator who dies before the testator, either before or after the testator makes his will,

and leaves a spouse or issue surviving the testator, the devise or bequest does not lapse but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible,

- (a) if that person had died immediately after the death of the testator;
- (b) if that person had died intestate;
- (c) if that person had died without debts; and
- (d) if section 46 had not been passed. R.S.O. 1970, c. 499, s. 36, *amended*.

32.—(1) Where a person dies possessed of, or entitled to, or under a general power of appointment by his will disposes of, an interest in freehold or leasehold property which, at the time of his death, is subject to a mortgage, and the deceased has not, by will, deed or other document, signified a contrary or other intention,

Primary
liability
of real
property
to satisfy
mortgage

- (a) the interest is, as between the different persons claiming through the deceased, primarily liable for the payment or satisfaction of the mortgage debt; and
- (b) every part of the interest, according to its value, bears a proportionate part of the mortgage debt on the whole interest.

(2) A testator does not signify a contrary or other intention within subsection 1 by,

Consequence
of general
direction to
pay debts
out of
personalty
or residue

- (a) a general direction for the payment of debts or of all the debts of the testator out of his personal estate, his residuary real or personal estate or his residuary real estate; or
- (b) a charge of debts upon that estate,

unless he further signifies that intention by words expressly or by necessary implication referring to all or some part of the mortgage debt.

(3) Nothing in this section affects a right of a person entitled to the mortgage debt to obtain payment or satisfaction either out of the other assets of the deceased or otherwise.

Saving of
mortgagee's
rights

Interpre-
tation

(4) In this section, "mortgage" includes an equitable mortgage, and any charge whatsoever, whether equitable, statutory or of other nature, including a lien or claim upon freehold or leasehold property for unpaid purchase money, and "mortgage debt" has a meaning similarly extended. R.S.O. 1970, c. 499, s. 37, *amended*.

Undisposed
of residue

33.—(1) Where a person dies having by will appointed a person executor, the executor is a trustee of any residue not expressly disposed of, for the person or persons, if any, who would be entitled to that residue in the event of intestacy in respect of it, unless it appears by the will that the person so appointed executor was intended to take the residue beneficially.

Where no
person
entitled
to residue

(2) Nothing in this section prejudices any right in respect of any residue not expressly disposed of to which, if this Part had not been passed, an executor would have been entitled where there is not any person who would be entitled to the testator's estate under Part II in case of an intestacy. R.S.O. 1970, c. 470, s. 55, *amended*.

CONFLICT OF LAWS

Interpre-
tation

34. In sections 36 to 41,

- (a) an interest in land includes a leasehold estate as well as a freehold estate in land, and any other estate or interest in land whether the estate or interest is real property or is personal property;
- (b) an interest in movables includes an interest in a tangible or intangible thing other than land, and includes personal property other than an estate or interest in land; R.S.O. 1970, c. 499, s. 19 (1).
- (c) "internal law" in relation to any place excludes the choice of law rules of that place. *New*.

Wills made
in or out
of Ontario

35. Sections 36 to 41 apply to a will made either in or out of Ontario. R.S.O. 1970, c. 499, s. 19 (4), *amended*.

Formalities,
re interests
in land

36.—(1) The manner and formalities of making a will, and its essential validity and effect, so far as it relates to an interest in land, are governed by the internal law of the place where the land is situated.

(2) Subject to other provisions of this Part, the manner^{re interests in movables} and formalities of making a will, and its essential validity and effect, so far as it relates to an interest in movables, are governed by the internal law of the place where the testator was domiciled at the time of his death. R.S.O. 1970, c. 499, s. 19 (2, 3), *amended*.

37.—(1) As regards the manner and formalities of making^{Formalities re interests in movables or in land} a will of an interest in movables or in land, a will is valid and admissible to probate if at the time of its making it complied with the internal law of the place where,

- (a) the will was made;
- (b) the testator was then domiciled;
- (c) the testator then had his habitual residence; or
- (d) the testator then was a national if there was in that place one body of law governing the wills of nationals. R.S.O. 1970, c. 499, s. 19 (4), *amended*.

(2) As regards the manner and formalities of making a^{Idem} will of an interest in movables or in land, the following are properly made,

- (a) a will made on board a vessel or aircraft of any description, if the making of the will conformed to the internal law in force in the place with which, having regard to its registration (if any) and other relevant circumstances, the vessel or aircraft may be taken to have been most closely connected;
- (b) a will so far as it revokes a will which under sections 34 to 42 would be treated as properly made or revokes a provision which under those sections would be treated as comprised in a properly made will, if the making of the later will conformed to any law by reference to which the revoked will or provision would be treated as properly made; and
- (c) a will so far as it exercises a power of appointment, if the making of the will conforms to the law governing the essential validity of the power. *New*.

38. A change of domicile of the testator occurring after^{Change of domicile} a will is made does not render it invalid as regards the

manner and formalities of its making or alter its construction. R.S.O. 1970, c. 499, s. 19 (5).

Construction
of will

39. Nothing in sections 34 to 42 precludes resort to the law of the place where the testator was domiciled at the time of making a will in aid of its construction as regards an interest in land or an interest in movables. R.S.O. 1970, c. 499, s. 19 (6).

Movables
used in
relation
to land

40. Where the value of a thing that is movable consists mainly or entirely in its use in connection with a particular parcel of land by the owner or occupier of the land, succession to an interest in the thing under a will is governed by the law that governs succession to the interest in the land. R.S.O. 1970, c. 499, s. 19 (7), *amended*.

Where law
outside
Ontario to be
applied to
will

41.—(1) Where, whether under sections 34 to 42 or not, a law in force outside Ontario is to be applied in relation to a will, any requirement of that law that,

- (a) special formalities are to be observed by testators answering a particular description; or
- (b) witnesses to the making of a will are to possess certain qualifications,

shall be treated, notwithstanding any rule of that law to the contrary, as a formal requirement only.

Formal
requirements
of law

(2) In determining for the purposes of sections 34 to 40 whether or not the making of a will conforms to a particular law, regard shall be had to the formal requirements of that law at the time the will was made, but account shall be taken of an alteration of law affecting wills made at that time if the alteration enables the will to be treated as properly made. *New*.

INTERNATIONAL WILLS

Effective
date

42.—(1) In this section,

- (a) “convention” means the convention providing a uniform law on the form of international will, a copy of which is set out in the Schedule to this section;
- (b) “effective date” means the latest of,
 - (i) the day on which, in accordance with Article XI of the convention, the convention enters into force, or

- (ii) the day that is six months after the date on which the Government of Canada submits to the Depositary Government under the convention a declaration that the convention extends to Ontario.

(2) On, from and after the effective date the convention is in force in Ontario and applies to wills as law of Ontario and the rules regarding an international will set out in the Annex to the convention are law in Ontario.

Convention
on form of
international
will

(3) All members of the Law Society of Upper Canada, other than student members, are designated as persons authorized to act in connection with international wills.

Persons
authorized
under
convention

(4) Nothing in this section detracts from or affects the validity of a will that is valid under the laws in force in Ontario other than this section.

Validity
of wills
under other
laws

(5) The Attorney General shall request the Government of Canada to submit a declaration to the Depositary Government under the convention, declaring that the convention extends to Ontario.

Accession
to convention

(6) As soon as the effective date is determined, the Attorney General shall publish in *The Ontario Gazette* a notice indicating the date that is the effective date for the purposes of this section.

Notice of
effective
date

SCHEDULE

Convention Providing a Uniform Law on The Form of an International Will

The States signatory to the present Convention,

DESIRING to provide to a greater extent for the respecting of last wills by establishing an additional form of will hereinafter to be called an "international will" which, if employed, would dispense to some extent with the search for the applicable law;

HAVE RESOLVED to conclude a Convention for this purpose and have agreed upon the following provisions:

Article I

1. Each Contracting Party undertakes that not later than six months after the date of entry into force of this Convention in respect of that Party it shall introduce into its law the rules regarding an international will set out in the Annex to this Convention.

2. Each Contracting Party may introduce the provisions of the Annex into its law either by reproducing the actual text, or by translating it into its official language or languages.

3. Each Contracting Party may introduce into its law such further provisions as are necessary to give the provisions of the Annex full effect in its territory.

4. Each Contracting Party shall submit to the Depositary Government the text of the rules introduced into its national law in order to implement the provisions of this Convention.

Article II

1. Each Contracting Party shall implement the provisions of the Annex in its law, within the period provided for in the preceding article, by designating the persons who, in its territory, shall be authorized to act in connection with international wills. It may also designate as a person authorized to act with regard to its nationals its diplomatic or consular agents abroad in so far as the local law does not prohibit it.

2. The Party shall notify such designation, as well as any modifications thereof, to the Depositary Government.

Article III

The capacity of the authorized person to act in connection with an international will, if conferred in accordance with the law of a Contracting Party, shall be recognized in the territory of the other Contracting Parties.

Article IV

The effectiveness of the certificate provided for in Article 10 of the Annex shall be recognized in the territories of all Contracting Parties.

Article V

1. The conditions requisite to acting as a witness of an international will shall be governed by the law under which the authorized person was designated. The same rule shall apply as regards an interpreter who is called upon to act.

2. Nonetheless no one shall be disqualified to act as a witness of an international will solely because he is an alien.

Article VI

1. The signature of the testator, of the authorized person, and of the witnesses to an international will, whether on the will or on the certificate, shall be exempt from any legalization or like formality.

2. Nonetheless, the competent authorities of any Contracting Party may, if necessary, satisfy themselves as to the authenticity of the signature of the authorized person.

Article VII

The safekeeping of an international will shall be governed by the law under which the authorized person was designated.

Article VIII

No reservation shall be admitted to this Convention or to its Annex.

Article IX

1. The present Convention shall be open for signature at Washington from October 26, 1973, until December 31, 1974.

2. The Convention shall be subject to ratification.

3. Instruments of ratification shall be deposited with the Government of the United States of America, which shall be the Depositary Government.

Article X

1. The Convention shall be open indefinitely for accession.

2. Instruments of accession shall be deposited with the Depositary Government.

Article XI

1. The present Convention shall enter into force six months after the date of deposit of the fifth instrument of ratification or accession with the Depositary Government.

2. In the case of each State which ratifies this Convention or accedes to it after the fifth instrument of ratification or accession has been deposited, this Convention shall enter into force six months after the deposit of its own instrument of ratification or accession.

Article XII

1. Any Contracting Party may denounce this Convention by written notification to the Depositary Government.

2. Such denunciation shall take effect twelve months from the date on which the Depositary Government has received the notification, but such denunciation shall not affect the validity of any will made during the period that the Convention was in effect for the denouncing State.

Article XIII

1. Any State may, when it deposits its instrument of ratification or accession or at any time thereafter, declare, by a notice addressed to the Depositary Government, that this Convention shall apply to all or part of the territories for the international relations of which it is responsible.

2. Such declaration shall have effect six months after the date on which the Depositary Government shall have received notice thereof or, if at the end of such period the Convention has not yet come into force, from the date of its entry into force.

3. Each Contracting Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article XII,

denounce this Convention in relation to all or part of the territories concerned.

Article XIV

1. If a State has two or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, it may at the time of signature, ratification, or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them, and may modify its declaration by submitting another declaration at any time.

2. These declarations shall be notified to the Depositary Government and shall state expressly the territorial units to which the Convention applies.

Article XV

If a Contracting Party has two or more territorial units in which different systems of law apply in relation to matters respecting the form of wills, any reference to the internal law of the place where the will is made or to the law under which the authorized person has been appointed to act in connection with international wills shall be construed in accordance with the constitutional system of the Party concerned.

Article XVI

1. The original of the present Convention, in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each of the signatory and acceding States and to the International Institute for the Unification of Private Law.

2. The Depositary Government shall give notice to the signatory and acceding States, and to the International Institute for the Unification of Private Law, of:

- (a) any signature;
- (b) the deposit of any instrument of ratification or accession;
- (c) any date on which this Convention enters into force in accordance with Article XI;
- (d) any communication received in accordance with Article I, paragraph 4;
- (e) any notice received in accordance with Article II, paragraph 2;
- (f) any declaration received in accordance with Article XIII, paragraph 2, and the date on which such declaration takes effect;
- (g) any denunciation received in accordance with Article XII, paragraph 1, or Article XIII, paragraph 3, and the date on which the denunciation takes effect;
- (h) any declaration received in accordance with Article XIV, paragraph 2, and the date on which the declaration takes effect.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this twenty-sixth day of October, one thousand nine hundred and seventy-three.

ANNEX

Uniform Law on the Form of an International Will

Article 1

1. A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator, if it is made in the form of an international will complying with the provisions set out in Articles 2 to 5 hereinafter.

2. The invalidity of the will as an international will shall not affect its formal validity as a will of another kind.

Article 2

This law shall not apply to the form of testamentary dispositions made by two or more persons in one instrument.

Article 3

1. The will shall be made in writing.
2. It need not be written by the testator himself.
3. It may be written in any language, by hand or by any other means.

Article 4

1. The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is his will and that he knows the contents thereof.

2. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

Article 5

1. In the presence of the witnesses and of the authorized person, the testator shall sign the will or, if he has previously signed it, shall acknowledge his signature.

2. When the testator is unable to sign, he shall indicate the reason therefor to the authorized person who shall make note of this on the will. Moreover, the testator may be authorized by the law under which the authorized person was designated to direct another person to sign on his behalf.

3. The witnesses and the authorized person shall there and then attest the will by signing in the presence of the testator.

Article 6

1. The signatures shall be placed at the end of the will.
2. If the will consists of several sheets, each sheet shall be signed by the testator or, if he is unable to sign, by the person signing on his behalf or,

if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

Article 7

1. The date of the will shall be the date of its signature by the authorized person.

2. This date shall be noted at the end of the will by the authorized person.

Article 8

In the absence of any mandatory rule pertaining to the safekeeping of the will, the authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so and at the express request of the testator the place where he intends to have his will kept shall be mentioned in the certificate provided for in Article 9.

Article 9

The authorized person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the obligations of this law have been complied with.

Article 10

The certificate drawn up by the authorized person shall be in the following form or in a substantially similar form:

CERTIFICATE

(Convention of October 26, 1973)

1. I,.....(name, address and capacity),
a person authorized to act in connection with international wills

2. Certify that on.....(date) at.....(place)

3. (testator)..... (name, address, date and
place of birth)

in my presence and that of the witnesses

4. (a) (name, address, date and
place of birth)

(b) (name, address, date and
place of birth)

has declared that the attached document is his will and that he
knows the contents thereof.

5. I furthermore certify that:

6. (a) in my presence and in that of the witnesses

(1) the testator has signed the will or has acknowledged his
signature previously affixed.

*(2) following a declaration of the testator stating that he was
unable to sign his will for the following reason.....

—I have mentioned this declaration on the will

*—the signature has been affixed by (name, address)

7. (b) the witnesses and I have signed the will;
8. *(c) each page of the will has been signed by and numbered;
9. (d) I have satisfied myself as to the identity of the testator and of the witnesses as designated above;
10. (e) the witnesses met the conditions requisite to act as such according to the law under which I am acting;
11. *(f) the testator has requested me to include the following statement concerning the safekeeping of his will:
12. PLACE
13. DATE
14. SIGNATURE and, if necessary, SEAL

*To be completed if appropriate.

Article 11

The authorized person shall keep a copy of the certificate and deliver another to the testator.

Article 12

In the absence of evidence to the contrary, the certificate of the authorized person shall be conclusive of the formal validity of the instrument as a will under this Law.

Article 13

The absence or irregularity of a certificate shall not affect the formal validity of a will under this Law.

Article 14

The international will shall be subject to the ordinary rules of revocation of wills.

Article 15

In interpreting and applying the provisions of this law, regard shall be had to its international origin and to the need for uniformity in its interpretation.

REPEALS

43.—(1) Except as provided in subsection 2, the following ^{Repeals} are repealed:

- (a) *The Wills Act*, being chapter 499 of the Revised Statutes of Ontario, 1970;

- (b) chapter 3 of the Statutes of Ontario, 1971;
- (c) paragraph 36 of the Schedule to chapter 98 of the Statutes of Ontario, 1971; and
- (d) section 55 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970.

Exception

(2) The enactments repealed by subsection 1 continue in force as if unrepealed in respect of wills made by a testator who died before the 1st day of September, 1977.

Application of Part

44. This Part applies to wills made before, on or after the 1st day of September, 1977 where the testator has not died before that date.

PART II

INTESTATE SUCCESSION

Intestacy where spouse and no issue

45. Where a person dies intestate in respect of property and is survived by a spouse and not survived by issue, the spouse is entitled to the property absolutely. *New.*

Preferential share of spouse where issue

46.—(1) Subject to subsection 3, where a person dies intestate in respect of property having a net value of not more than \$75,000 and is survived by a spouse and issue, the spouse is entitled to the property absolutely. R.S.O. 1970, c. 179, s. 11 (1); 1973, c. 18, s. 1 (1), *amended.*

Idem

(2) Subject to subsection 3, where a person dies intestate in respect of property having a net value of more than \$75,000 and is survived by a spouse and issue, the spouse is entitled to \$75,000 absolutely. R.S.O. 1970, c. 129, s. 11 (2); 1973, c. 18, s. 1 (2), *amended.*

Idem

(3) Notwithstanding subsection 1, where a person dies testate as to some property and intestate as to other property and is survived by a spouse and issue, and,

- (a) where the spouse is entitled under the will to nothing or to property having a net value of less than \$75,000, the spouse is entitled out of the intestate property to the amount by which \$75,000 exceeds the net value of the property, if any, to which the spouse is entitled under the will;
- (b) where the spouse is entitled under the will to property having a net value of more than \$75,000, subsections 1 and 2 do not apply. *New.*

(4) In this section, "net value" means the value of the property after payment of the charges thereon and the debts, funeral expenses and expenses of administration, including succession duty. R.S.O. 1970, c. 129, s. 11 (5). ^{Interpretation}

47.—(1) Where a person dies intestate in respect of property and leaves a spouse and one child, the spouse is entitled to one-half of the residue of the property after payment under section 46, if any. ^{Residue: spouse and one child}

(2) Where a person dies intestate in respect of property and leaves a spouse and more than one child, the spouse is entitled to one-third of the residue of the property after payment under section 46, if any. ^{Idem: spouse and two or more children}

(3) Where a child has died leaving issue living at the date of the intestate's death, the spouse's share shall be the same as if the child had been living at that date. R.S.O. 1970, c. 129, s. 31, *part, amended*. ^{Idem: issue of predeceased children}

48.—(1) Subject to subsection 2, where a person dies intestate in respect of property and leaves issue surviving him, the property shall be distributed, subject to the rights of the spouse, if any, equally among his issue who are of the nearest degree in which there are issue surviving him. ^{Issue}

(2) Where any issue of the degree entitled under subsection 1 has predeceased the intestate, the share of such issue shall be distributed among his issue in the manner set out in subsection 1 and the share devolving upon any issue of that and subsequent degrees who predecease the intestate shall be similarly distributed. ^{Share of predeceasing issue}

(3) Where a person dies intestate in respect of property and leaves no spouse or issue, the property shall be distributed between the parents of the deceased equally or, where there is only one parent surviving the deceased, to that parent absolutely. ^{Parents}

(4) Where a person dies intestate in respect of property and there is no surviving spouse, issue or parent, the property shall be distributed among the surviving brothers and sisters of the intestate equally, and if any brother or sister predeceases the intestate, the share of the deceased brother or sister shall be distributed among his or her children equally. ^{Brothers and sisters}

(5) Where a person dies intestate in respect of property and there is no surviving spouse, issue, parent, brother or ^{Nephews and nieces}

sister, the property shall be distributed among the nephews and nieces of the intestate equally without representation.

Next of
kin

(6) Where a person dies intestate in respect of property and there is no surviving spouse, issue, parent, brother, sister, nephew or niece, the property shall be distributed among the next of kin of equal degree of consanguinity to the intestate equally without representation. R.S.O. 1970, c. 129, s. 31, *part, amended*.

Escheat

(7) Where a person dies intestate in respect of property and there is no surviving spouse, issue, parent, brother, sister, nephew, niece or next of kin, the property becomes the property of the Crown, and *The Escheats Act* applies.

R.S.O. 1970,
c. 149

Degrees of
kindred

(8) For the purposes of subsection 6, degrees of kindred shall be computed by counting upward from the deceased to the nearest common ancestor and then downward to the relative, and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree.

Descendants
conceived
but unborn

(9) For the purposes of this section, descendants and relatives of the deceased conceived before and born alive after the death of the deceased shall inherit as if they had been born in the lifetime of the deceased and had survived him. *New*.

Abolition
of curtesy

49. The common law right of a widower to curtesy is hereby abolished.

Repeal of
R.S.O. 1970,
c. 129, ss. 8, 10,
11, 12, 13, 30, 31,
31a, 32

50.—(1) Sections 8 and 10, sections 11 and 12, as amended by the Statutes of Ontario, 1973, chapter 18, sections 1 and 2, sections 13, 30 and 31, section 31a, as enacted by the Statutes of Ontario, 1973, chapter 18, section 3, and section 32 of *The Devolution of Estates Act*, being chapter 129 of the Revised Statutes of Ontario, 1970, are repealed.

R.S.O. 1970,
c. 129, s. 28,
re-enacted

(2) Section 28 of the said Act is repealed and the following substituted therefor:

Search
for
children
born
outside
marriage

28.—(1) A personal representative shall make reasonable inquiries for persons who may be entitled by virtue of a relationship traced through a birth outside marriage.

Liability
of
personal
representa-
tive

(2) A personal representative is not liable for failing to distribute property to a person who is entitled by virtue of a relationship traced through a birth outside marriage where,

1977, c. . . .

(a) the parentage is not recognized in law under *The Children's Law Reform Act, 1977*; or

- (b) he makes the inquiries referred to in subsection 1 and the entitlement of the person entitled was not known to the personal representative at the time of the distribution.

(3) Nothing in this section prejudices the right of any person to follow the property, or any property representing it, into the hands of any person other than a purchaser in good faith and for value, except that where the parentage of a person born outside marriage is not recognized in law under *The Children's Law Reform Act, 1977* until after the death of the deceased, a person entitled by virtue of a relationship traced through the birth is entitled to follow only property that is distributed after the personal representative has actual notice of an application to establish the parentage or of the facts giving rise to a presumption of parentage. ^{Saving rights 1977, c. . . .}

51.—(1) Section 29 of *The Conveyancing and Law of Property Act*, being chapter 85 of the Revised Statutes of Ontario, 1970, is repealed. ^{R.S.O. 1970, c. 85, s. 29, repealed}

(2) Section 30 of the said Act is amended by striking out "A tenant by the curtesy" in the first line. ^{R.S.O. 1970, c. 85, s. 30, amended}

52. The enactments repealed or amended by sections 50 and 51 continue in force as if unrepealed or unamended in respect of a death occurring before the 1st day of September, 1977. ^{Exception}

53. This Part applies to an intestacy upon a death occurring on or after the 1st day of September, 1977. ^{Application}

PART III

SURVIVORSHIP

54.—(1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, the property of each person, or any property of which he is competent to dispose, shall be disposed of as if he had survived the other or others. R.S.O. 1970, c. 45, s. 1 (1). ^{Survivorship as to succession}

(2) Unless a contrary intention appears, where two or more persons hold legal or equitable title to property as joint tenants, or with respect to a joint account, with each other, and all of them die at the same time or in circumstances rendering it uncertain which of them survived the other ^{Simultaneous death of joint tenants}

or others, each person shall be deemed, for the purposes of subsection 1, to have held as tenant in common with the other or with each of the others in that property.

Provision in
will for
substitute
repre-
sentative

(3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will,

(a) dies before the testator;

(b) dies at the same time as the testator; or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides shall be deemed to have occurred. *New.*

Proceeds of
insurance
R.S.O. 1970,
c. 224

(4) The proceeds of a policy of insurance shall be paid in accordance with sections 190 and 268 of *The Insurance Act* and thereafter this Part applies to their disposition. R.S.O. 1970, c. 454, s. 1 (2); 1972, c. 43, s. 1, *amended*.

Repeals

55.—(1) *The Survivorship Act*, being chapter 454, of the Revised Statutes of Ontario, 1970, and *The Survivorship Amendment Act*, 1972, being chapter 43, are repealed.

Exception

(2) The enactment repealed by subsection 1 continues in force as if unrepealed in respect of deaths occurring before the 1st day of September, 1977.

Application
of Part

56. This part applies in respect of deaths occurring on or after the 1st day of September, 1977.

PART IV

SUPPORT OF DEPENDANTS

Interpre-
tation

57. In this Part,

(a) “child” means a child as defined in clause a of subsection 1 of section 1 and includes a grand-child and a person whom the deceased has demonstrated a settled intention to treat as a child of his family but does not include a child placed in a

foster home for consideration by a person having lawful custody;

- (b) "common law spouse" means either of a man and a woman who, not being married to each other, had been cohabiting immediately before the death of one of them,
 - (i) continuously for a period of not less than five years, or
 - (ii) in a relationship of some permanence where there is a child born of whom they are the natural parents;
- (c) "court" means the surrogate court having jurisdiction to grant letters probate or letters of administration in the estate of the deceased;
- (d) "dependant" means,
 - (i) the spouse or common law spouse of the deceased,
 - (ii) a parent of the deceased,
 - (iii) a child of the deceased, or
 - (iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his death;
- (e) "letters probate" and "letters of administration" include letters probate, letters of administration or other legal documents purporting to be of the same legal nature granted by a court in another jurisdiction and resealed in this province;
- (f) "parent" includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his family, but does not include a person in whose home the deceased was placed as a foster child for consideration by a person having lawful custody;
- (g) "spouse" includes a person whose marriage to the deceased was terminated or declared a nullity. R.S.O. 1970, c. 126, s. 1, *amended*.

Order for
support

58.—(1) Where a deceased, whether testate or intestate, has not made adequate provision for the proper support of his dependants or any of them, the court, on application, or public agency, may order that such provision as it considers adequate be made out of the estate of the deceased for the proper support of the dependants or any of them. R.S.O. 1970, c. 126, s. 2 (1), *amended*.

Applicants

(2) An application for an order under subsection 1 may be made by the dependant or on behalf of a dependant by,

(a) the Ministry of Community and Social Services in the name of the Minister;

(b) a municipal corporation, including a metropolitan, district or regional municipality but not including an area municipality thereof; or

(c) a children's aid society,

where the Ministry, municipality or society is providing an allowance or benefit in respect of the support of the dependant.

Idem

(3) The adequacy of provision for support under subsection 1 shall be determined as of the date of the hearing of the application. *New*.

Suspensory
order

59. On an application by or on behalf of the dependants or any of them, the court may make an order suspending in whole or in part the administration of the deceased's estate, for such time and to such extent as the court may decide. *New*.

Application

60.—(1) An application under this Part may be made to the court by originating notice of motion in accordance with the practice of the court. R.S.O. 1970, c. 126, s. 4 (1), *amended*.

Idem

(2) Where an application for an order under section 58 is made by or on behalf of any dependant,

(a) it may be dealt with by the court as; and

(b) in so far as the question of limitation is concerned, it shall be deemed to be,

an application on behalf of all persons who might apply. *New*.

Limitation
period

61.—(1) Subject to subsection 2, no application for an order under section 58 may be made after six months from

the grant of letters probate of the will or of letters of administration.

(2) The court, if it considers it proper, may allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of the application. R.S.O. 1970, c. 126, s. 4 (2), *amended*. Exception

62.—(1) Upon the hearing of an application under this Part the court, Consideration
on
application

(a) shall inquire into and consider all the circumstances of the application, including,

- (i) the assets and means of the dependant,
- (ii) the capacity of the dependant to provide for his or her own support,
- (iii) the age and the physical and mental health of the dependant,
- (iv) the needs of the dependant, in determining which the court may have regard to the accustomed standard of living,
- (v) the proximity and duration of the dependant's relationship with the deceased,
- (vi) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions,
- (vii) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property, business or occupation,
- (viii) whether the dependant has a legal obligation to provide support for another person,
- (ix) where the dependant is a child, his or her aptitude for and reasonable prospects of obtaining an education,
- (x) where the dependant is a child of the age of sixteen years or more, his or her withdrawal from parental control;
- (xi) where the dependant is the spouse of the deceased,

1. cohabitation by the spouse with another person during the lifetime of the deceased, or
 2. a course of conduct during the lifetime of the deceased that is an obvious and gross repudiation of the relationship,
- (xii) the circumstances of the deceased at the time of death,
- (xiii) any agreement between the deceased and the dependant,
- (xiv) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order, and
- (xv) the claims that any other person may have as a dependant;
- (b) in addition to the evidence adduced by the parties appearing, may direct such other evidence to be given as the court considers necessary or proper; and
- (c) may accept such evidence as the court considers proper of the deceased's reasons, so far as ascertainable,
- (i) for making the dispositions made by his will, or
 - (ii) for not making adequate provision for a dependant,

including any statement in writing signed by the deceased. R.S.O. 1970, c. 126, s. 6, *amended*.

Idem

(2) In estimating the weight to be given to a statement referred to in clause *c* of subsection 1, the court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement. *New*.

Conditions
and
restrictions

63.—(1) In any order making provision for support of a dependant, the court may impose such conditions and restrictions as the court considers appropriate.

(2) Provision may be made out of income or capital or ^{Contents of order} both and an order may provide for one or more of the following, as the court considers appropriate,

- (a) an amount payable annually or otherwise whether for an indefinite or limited period or until the happening of a specified event;
- (b) a lump sum to be paid or held in trust;
- (c) any specified property to be transferred or assigned to or in trust for the benefit of the dependant, whether absolutely, for life or for a term of years;
- (d) the possession or use of any specified property by the dependant for life or such period as the court considers appropriate;
- (e) a lump sum payment to supplement or replace periodic payments;
- (f) the securing of payment under an order by a charge on property or otherwise;
- (g) the payment of a lump sum or of increased periodic payments to enable a dependant spouse or child to meet debts reasonably incurred for his or her own support prior to an application under this Part;
- (h) that all or any of the moneys payable under the order be paid to an appropriate person or agency for the benefit of the dependant;
- (i) the payment to a public agency referred to in subsection 2 of section 58 of any amount in reimbursement for an allowance or benefit granted in respect of the support of the dependant, including an amount in reimbursement for an allowance paid or benefit provided before the date of the order. R.S.O. 1970, c. 126, s. 2, *amended*.

(3) Where a transfer or assignment of property is ordered, ^{Idem} the court may,

- (a) give all necessary directions for the execution of the transfer or assignment by the executor or administrator or such other person as the court may direct;
or
- (b) grant a vesting order.

(4) An order under this section may be made notwithstanding any agreement or waiver to the contrary. ^{Agreement or waiver} *New.*

Notice to
parties
before order

(5) The court shall not make any order under this section until it is satisfied upon oath that all persons who are or may be interested in or affected by the order have been served with notice of the application as provided by the rules of court, and every such person is entitled to be present and to be heard in person or by counsel at the hearing. R.S.O. 1970, c. 126, s. 5.

Exception

(6) Notwithstanding subsection 5, where, in the opinion of the court,

(a) every reasonable effort has been made to serve those entitled to notice; or

(b) after every reasonable effort has been made, it is not possible to identify one or more of the persons entitled to notice,

the court may dispense with the requirement of notice in respect of any person who has not been served. *New.*

Interim
order

64. Where an application is made under this Part and the applicant is in need of and entitled to support but any or all of the matters referred to in section 62 or 63 have not been ascertained by the court, the court may make such interim order under section 63 as it considers appropriate. 1973, c. 131, s. 1, *part.*

Inquiries
and further
orders

65. Where an order has been made under this Part, the court at any subsequent date may,

(a) inquire whether the dependant benefited by the order has become entitled to the benefit of any other provision for his support;

(b) inquire into the adequacy of the provision ordered; and

(c) discharge, vary or suspend the order, or make such other order as the court considers appropriate in the circumstances. 1973, c. 131, s. 1, *part, amended.*

Further
powers of
court

66. The court may at any time,

(a) fix a periodic payment or lump sum to be paid by a legatee, devisee or beneficiary under an intestacy to represent, or in commutation of, such proportion of the sum ordered to be paid as falls upon the portion of the estate in which he is interested;

(b) relieve such portion of the estate from further liability; and

(c) direct,

(i) the manner in which such periodic payment is to be secured, or

(ii) to whom such lump sum is to be paid and the manner in which it is to be dealt with for the benefit of the person to whom the commuted payment is payable. *New.*

67.—(1) Where an application is made and notice thereof is served on the personal representative of the deceased, ^{Distribution stayed} he shall not, after service of the notice upon him, unless all persons entitled to apply consent or the court otherwise orders, proceed with the distribution of the estate until the court has disposed of the application. R.S.O. 1970, c. 126, s. 4 (3).

(2) Nothing in this Part prevents a personal representative ^{Exception} from making reasonable advances for support to dependants who are beneficiaries.

(3) Where a personal representative distributes any portion of the estate in violation of subsection 1, if any ^{Liability of personal representative} provision for support is ordered by the court to be made out of the estate, the personal representative is personally liable to pay the amount of the distribution to the extent that such provision or any part thereof ought, pursuant to the order or this Part, to be made out of the portion of the estate distributed. *New.*

68.—(1) Subject to subsection 2, the incidence of any ^{Incidence of provision ordered} provision for support ordered shall fall rateably upon that part of the deceased's estate to which the jurisdiction of the court extends.

(2) The court may order that the provision for support ^{Idem} be made out of and charged against the whole or any portion of the estate in such proportion and in such manner as to the court seems proper. *New.*

69. The court may give such further directions as it considers necessary for the purpose of giving effect to an order. ^{Further directions}
New.

Certified
copy of
order filed
with the
clerk of
the court

70.—(1) A certified copy of every order made under this Part shall be filed with the clerk of the court out of which the letters probate or letters of administration issued.

Idem

(2) A memorandum of the order shall be endorsed on or annexed to the copy, in the custody of the clerk, of the letters probate or letters of administration, as the case may be.
New.

Property
devised

71. Where a deceased,

- (a) has, in his lifetime, in good faith and for valuable consideration, entered into a contract to devise or bequeath any property; and
- (b) has by his will devised or bequeathed that property in accordance with the provisions of the contract,

the property is not liable to the provisions of an order made under this Part except to the extent that the value of the property in the opinion of the court exceeds the consideration therefor. R.S.O. 1970, c. 126, s. 8, *amended*.

Value of
certain
transactions
deemed part
of estate

72.—(1) Subject to section 71, for the purpose of this Part, the capital value of the following transactions effected by a deceased before his death, whether benefiting his dependant or any other person, shall be included as testamentary dispositions as of the date of the death of the deceased and shall be deemed to be part of his net estate for purposes of ascertaining the value of his estate, and being available to be charged for payment by an order under clause *g* of subsection 2 of section 63,

- (a) gifts *mortis causa*;
- (b) money deposited, together with interest thereon, in an account in the name of the deceased in trust for another or others with any chartered bank, savings office, credit union or trust company, and remaining on deposit at the date of the death of the deceased;
- (c) money deposited, together with interest thereon, in an account in the name of the deceased and another person or persons and payable on death pursuant to the terms of the deposit or by operation of law to the survivor or survivors of those

persons with any chartered bank, savings office, credit union or trust company, and remaining on deposit at the date of the death of the deceased;

- (d) any disposition of property made by a deceased whereby property is held at the date of his death by the deceased and another as joint tenants;
- (e) any disposition of property made by the deceased in trust or otherwise, to the extent that the deceased at the date of his death retained, either alone or in conjunction with another person or persons by the express provisions of the disposing instrument, a power to revoke such disposition, or a power to consume, invoke or dispose of the principal thereof, but the provisions of this clause do not affect the right of any income beneficiary to the income accrued and undistributed at the date of the death of the deceased;
- (f) any amount payable under a policy of insurance effected on the life of the deceased and owned by him; and
- (g) any amount payable under a designation of beneficiary under section 63 or 64 of *The Conveyancing and Law of Property Act* or under section 17 of *The Pension Benefits Act*, notwithstanding section 24 of that Act. R.S.O. 1970, cc. 85, 342

(2) The capital value of the transactions referred to in clauses *b*, *c* and *d* of subsection 1 shall be deemed to be included in the net estate of the deceased to the extent that the funds on deposit were the property of the deceased immediately before the deposit or the consideration for the property held as joint tenants was furnished by the deceased. Idem

(3) Dependants claiming under this Part shall have the burden of establishing that the funds or property, or any portion thereof, belonged to the deceased. Burden of proof

(4) Where the other party to a transaction described in clause *c* or *d* of subsection 1 is a dependant, he shall have the burden of establishing the amount of his contribution, if any. Idem

(5) This section does not prohibit any corporation or person from paying or transferring any funds or property, or any portion thereof, to any person otherwise entitled Exception

thereto unless there has been personally served on the corporation or person a certified copy of a suspensory order made under section 59 enjoining such payment or transfer.

Suspensory
order

(6) Personal service upon the corporation or person holding any such fund or property of a certified copy of a suspensory order shall be a defence to any action or proceeding brought against the corporation or person with respect to the fund or property during the period the order is in force.

Rights of
creditor

(7) This section does not affect the rights of creditors of the deceased in any transaction with respect to which a creditor has rights. *New.*

Validity of
mortgage,
etc.

73. Where provision for the support of a dependant is ordered under this Part, a mortgage, charge or assignment of or with respect to such provision, made before the order of the court making such provision is entered, is invalid. *New.*

Persons in
institutions
under
R.S.O. 1970,
c. 269,
1974, c. 2

74.—(1) Where a person by whom, or on whose behalf, an application may be made under this Part is a patient in a psychiatric facility under *The Mental Health Act* or a resident in a facility under *The Developmental Services Act, 1974* at the time of the deceased's death or at any time before the application under this Part is heard and disposed of, notice of the application for letters probate or letters of administration shall be served upon the Public Trustee on behalf of that person, and the time within which the Public Trustee may make an application under this Part runs from the date of the service of the notice.

Notice to
Public
Trustee

(2) Where a person interested in the estate in respect of which an application is made under this Part is a patient in a psychiatric facility under *The Mental Health Act* or a resident in a facility under *The Developmental Services Act, 1974*, notice of the application shall in every case be served upon the Public Trustee, who has the right to appear and be heard upon the application. R.S.O. 1970, c. 126, s. 4 (5, 6), *amended.*

Removal
into
Supreme
Court

75. At any time before the hearing of an application, a judge of the Supreme Court upon motion on behalf of the personal representative of the deceased, the applicant, or any other person interested, and upon being satisfied that the application is of such a nature and of such importance as to render it proper that it should be disposed of in the Supreme Court and the property of

the deceased exceeds \$20,000, may by order direct that the application be heard by a judge of the Supreme Court and thereupon the matter shall be transferred into the Supreme Court and the application shall be heard by a judge of the Supreme Court who has the like powers and shall proceed in the like manner as the court on an application under this Part. R.S.O. 1970, c. 126, s. 4 (4), *amended*.

76. The court may direct that the costs of the application ^{Costs} be paid out of the estate or otherwise as it thinks proper, and may fix the amount of the costs payable by any party, exclusive of necessary disbursements, at a lump sum having regard to the value of the estate and the amount of any support applied for or directed by its order. R.S.O. 1970, c. 126, s. 11.

77. An appeal lies to the Supreme Court from any order ^{Appeal} of the court made under this Part. R.S.O. 1970, c. 126, s. 12 (1), *amended*.

78.—(1) An order or direction made under this Part may ^{Enforcement} be enforced against the estate of the deceased in the same way and by the same means as any other judgment or order of the court against the estate may be enforced.

(2) Where a court orders security for the payment ^{Realization of security} under an order under this Part or charges a property therewith, the court may, upon application and notice to all persons having an interest in the property, direct its sale for the purpose of realizing the security or charge. R.S.O. 1970, c. 126, s. 12, *amended*.

79. This Part binds the Crown. *New.*

^{Crown bound}

80.—(1) Subject to subsection 2, *The Dependants' Relief Act*, being chapter 126 of the Revised Statutes of Ontario, 1970, and *The Dependants' Relief Amendment Act, 1973*, being chapter 131, are repealed. ^{Repeals}

(2) The enactments repealed by subsection 1 continue in ^{Exception} force as if unrepealed in respect of applications where the deceased died before the 1st day of September, 1977.

81. This Part does not apply where the deceased died ^{Application of Part} before the 1st day of September, 1977, but an application may be made under section 65 regardless of the time of the deceased's death.

PART V

RIGHTS OF COMMON LAW SPOUSES
AND CHILDREN BORN OUTSIDE MARRIAGE

1971, c. 51,
s. 1 (1) (b, c),
re-enacted

82.—(1) Clauses *b* and *c* of subsection 1 of section 1 of *The Compensation for Victims of Crime Act, 1971*, being chapter 51, are repealed and the following substituted therefor:

R.S.O. 1970,
c. 64

(b) “child” means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relate to the effect of adoption), and includes a grandchild of the victim and a person whom the victim has demonstrated a settled intention to treat as a child of his family, and includes a child of the victim conceived before and born alive after the victim’s death, but does not include a child placed in the home of the victim as a foster child for consideration by a person having lawful custody;

(c) “dependant” means,

(i) the spouse of the victim,

(ii) a parent of the victim, including a grandparent and a person who has demonstrated a settled intention to treat the victim as a child of his family, but does not include a person in whose home the victim was placed as a foster child for consideration by a person having lawful custody,

(iii) a child of the victim,

(iv) a brother or sister of the victim, and

(v) any other relative of the victim,

who was in whole or in part dependent on the victim for support at the time of his death.

1971,
c. 51, s. 1 (2),
re-enacted

(2) Subsection 2 of the said section 1 is repealed and the following substituted therefor:

Unmarried
spouses

(2) The Board may direct that a person was the spouse of a deceased victim for the purposes of this Act where the Board finds that,

SECTION 82. The definition of child is standardized with the language used elsewhere in the Bill and the definition of dependants expressly includes certain degrees of relationship implicit in what is now referred to as "other relatives". The definition of recognizable common law marriages is standardized with the language used elsewhere in the Bill.

SECTION 83—Subsection 1. The amendment permits gifts made to or by reference to the spouse of a person to take effect where the spouse is a common law spouse, as defined, in the same way as a gift made to or by reference to a legally married spouse.

Subsection 2. The amendment permits gifts made to issue of an unborn person to take effect where the issue is born outside marriage.

(a) they were a man and a woman who, not being married to each other, had been cohabiting immediately before the death of the victim,

(i) continuously for a period of not less than five years, or

(ii) in a relationship of some permanence where there is a child born of whom they are the natural parents; or

(b) their marriage was terminated by a decree absolute of divorce or was declared a nullity and the spouse was a person to whom the victim was providing support or was under a legal obligation to provide support immediately before his death.

(3) Subject to section 6 of *The Compensation for Victims of Crime Act, 1971*, this section applies to applications whether the victim died before, on or after the 1st day of September, 1977. 1971, c. 51

83.—(1) Section 9 of *The Perpetuities Act*, being chapter 343 of the Revised Statutes of Ontario, 1970, is amended by R.S.O. 1970,
c. 343, s. 9,
amended adding thereto the following subsection:

(2) For the purposes of subsection 1, “spouse” includes “spouse”
defined either of a man and a woman who, not being married to each other, had been cohabiting immediately before the death of one of them,

(a) continuously for a period of not less than five years; or

(b) in a relationship of some permanence where there is a child born of whom they are the natural parents.

(2) Section 17 of the said Act is amended by striking out R.S.O. 1970,
c. 343, s. 17,
amended “the unborn child or other” in the second and third lines and inserting in lieu thereof “any unborn”.

(3) Section 17 of the said Act is further amended by R.S.O. 1970,
c. 343, s. 17,
amended adding thereto the following subsection.

(2) For the purposes of subsection 1, “issue” means issue “issue”
defined of a person, whether born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act*. R.S.O. 1970,
c. 64

GENERAL

- Commence-
ment **84.** This Act comes into force on the 1st day of September, 1977.
- Short title **85.** This Act may be cited as *The Succession Law Reform Act, 1977*.

An Act to reform the Law respecting
Succession to the Estates of Deceased
Persons

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

THE HON. R. McMurtry
Attorney General

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to reform the
Law respecting the Status of Children**

THE HON. R. MCMURTRY
Attorney General

EXPLANATORY NOTES

PART I. The Bill would remove any distinction in law between legitimate and illegitimate children. A child would be a child of his natural parents regardless of their marital status.

PART II. This Part deals with the establishment of parentage. Maternity is generally ascertainable through the event of birth, registration and nurture. The existence of certain circumstances set out in section 8 would raise a presumption of paternity similar to the present presumption of legitimacy if born in wedlock. Also, similarly, the presumption can be rebutted where an issue arises turning on paternity.

PART III. The amendments eliminate specific references to legitimacy, illegitimacy or legitimation in other statutes and makes other complementary amendments.

BILL 9

1977

An Act to reform the Law respecting the Status of Children

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

EQUAL STATUS OF CHILDREN

1.—(1) Subject to subsection 2, for all purposes of the law of Ontario a person is the child of his or her natural parents and his or her status as their child is independent of whether the child is born within or outside marriage. Rule of parentage

(2) Where an adoption order has been made, section 83 or 85 of *The Child Welfare Act* applies and the child is the child of the adopting parents as if they were the natural parents. Exception for adopted children
R.S.O. 1970, c. 64

(3) Where persons are in the relationship of parent and child as determined under subsection 1 or 2, the relationship shall be recognized in determining the kindred relationships flowing therefrom for any purpose. Kindred relationships

(4) Any distinction at common law between the status of children born in wedlock and born out of wedlock is abolished and the relationship of parent and child and kindred relationships flowing therefrom shall be determined for the purposes of the common law in accordance with this section. Common law distinction of legitimacy abolished

2.—(1) For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be construed to refer to or include a person who comes within the description by reason of Rule of construction

the relationship of parent and child as determined under section 1.

- Application (2) Subsection 1 applies to,
- (a) any Act of the Legislature or any regulation, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this Act comes into force; and
 - (b) any instrument made on or after the day this Act comes into force.

PART II

ESTABLISHMENT OF PARENTAGE

Court under ss. 4-7 3. The court having jurisdiction for the purposes of sections 4 to 7 shall be the Unified Family Court in the Judicial District of Hamilton-Wentworth and the Supreme Court in the other parts of Ontario.

Application for declaration 4.—(1) Any person having an interest may apply to a court for a declaration that a male person is recognized in law to be the father of a child or that a female person is the mother of a child.

Declaration of paternity recognized at law (2) Where the court finds that a presumption of paternity exists under section 8 and unless it is established, on the balance of probabilities, that the presumed father is not the father of the child, the court shall make a declaratory order confirming that the paternity is recognized in law.

Declaration of maternity (3) Where the court finds on the balance of probabilities that the relationship of mother and child has been established, the court may make a declaratory order to that effect.

Idem (4) Subject to sections 6 and 7, an order made under this section shall be recognized for all purposes.

Application for declaration of paternity where no presumption 5.—(1) Where there is no person recognized in law under section 8 to be the father of a child, any person may apply to the court for a declaration that a male person is his or her father, or any male person may apply to the court for a declaration that a person is his child.

Limitation (2) An application shall not be made under subsection 1 unless both the persons whose relationship is sought to be established are living.

SECTION 4. Judicial procedure is provided for confirming paternity that is under a presumption or maternity. This may be taken by a third person having an interest, e.g., the personal representative in an estate, and whether or not the parent and child are living.

SECTION 5. Judicial procedure is provided for establishing paternity where there is no presumption, but only during the life of both father and child.

SECTIONS 6 AND 7. Review on new evidence and appeals are provided for.

SECTION 8. The presumptions of paternity are set out.

(3) Where the court finds on the balance of probabilities that the relationship of father and child has been established, the court may make a declaratory order to that effect and, subject to sections 6 and 7, the order shall be recognized for all purposes. Declaratory order

6. Where a declaration has been made under section 4 or 5 and evidence becomes available that was not available at the previous hearing, the court may, upon application, discharge or vary the order and make such other orders or directions as are ancillary thereto. Reopening on new evidence

7. An appeal lies from an order under section 4 or 5 or a decision under section 6 in accordance with the rules of the court. Appeal

8.—(1) Unless the contrary is proven on a balance of probabilities, there is a presumption that a male person is, and he shall be recognized in law to be, the father of a child in any one of the following circumstances: Recognition in law of parentage

1. The person is married to the mother of the child at the time of the birth of the child.
2. The person was married to the mother of the child by a marriage that was terminated by death or judgment of nullity within 300 days before the birth of the child or by divorce where the decree *nisi* was issued within 300 days before the birth of the child.
3. The person marries the mother of the child after the birth of the child and acknowledges that he is the natural father.
4. The person was cohabiting with the mother of the child in a relationship of some permanence at the time of the birth of the child or the child is born within 300 days after they ceased to cohabit.
5. The person and the mother of the child have filed a statutory declaration under subsection 8 of section 6 of *The Vital Statistics Act* or a request under subsection 5 of section 6 of that Act, or either under a similar provision under the corresponding Act in another jurisdiction in Canada. R.S.O. 1970, c. 483
6. The person has been found or recognized in his lifetime by a court of competent jurisdiction in Canada to be the father of the child.

Where
marriage
void

(2) For the purpose of subsection 1, where a man and woman go through a form of marriage with each other, in good faith, that is void and cohabit, they shall be deemed to be married during the time they cohabit and the marriage shall be deemed to be terminated when they cease to cohabit.

Conflicting
presump-
tions

(3) Where circumstances exist that give rise to a presumption or presumptions of paternity by more than one father under subsection 1, no presumption shall be made as to paternity nor recognition given in law thereto.

Admissi-
bility in
evidence of
acknowledg-
ment against
interest

9. A written acknowledgment of parentage that is admitted in evidence in any civil proceeding against the interest of the person making the acknowledgment is *prima facie* proof of the fact.

Approved
blood tests

10.—(1) Upon the application of a party in a civil proceeding in which the court is called upon to determine the parentage of a child, the court may give the party leave to obtain blood tests of such persons as are named in the order granting leave and to submit the results in evidence.

Conditions
attached

(2) Leave under subsection 1 may be given subject to such terms and conditions as the court thinks proper.

Inference
from refusal

(3) Where leave is given under subsection 1 and a person named therein refuses to submit to the blood test, the court may draw such inferences as it thinks appropriate.

Consent
where
incapacity

(4) Where a person named in an order granting leave under subsection 1 is not capable of consenting to having a blood test taken, the consent shall be deemed to be sufficient,

- (a) where the person is a minor of the age of sixteen years or more, if the minor consents;
- (b) where the person is a minor under the age of sixteen years, if the person having the charge of the minor consents; and
- (c) where the person is without capacity for any reason other than minority, if the person having his charge consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

Regulations
for blood
tests

11. The Lieutenant Governor in Council may make regulations governing blood tests for which leave is given

SECTION 9. Acknowledgments against interest are given recognition as evidence of parentage.

SECTIONS 10 AND 11. The use of blood tests as evidence of paternity is encouraged by regulating standards for testing, by facilitating medical consents in cases of persons without capacity and by permitting the court to attach evidentiary significance to a refusal.

SECTIONS 12, 13, 14 and 15. Provision is made for acknowledgment of paternity by statutory declaration to be filed and available in the office of the Registrar General, with no special evidentiary value except when used in a court case against interest. Other documents clarifying paternity would also be collected and available.

by a court under section 10 including, without limiting the generality of the foregoing,

- (a) the method of taking blood samples and the handling, transportation and storage thereof;
- (b) the conditions under which a blood sample may be tested;
- (c) designating persons or facilities or classes thereof who are authorized to conduct blood tests for the purposes of section 10;
- (d) prescribing procedures respecting the admission of reports of blood tests in evidence;
- (e) prescribing forms for the purpose of section 10 and this section and providing for their use.

12.—(1) Any person may file in the office of the Registrar General a statutory declaration, in the form prescribed by the regulations, affirming that he is the father of a child. Statutory declaration of paternity

(2) The Registrar General shall not amend a registration of birth on the strength of a statutory declaration filed under subsection 1. Not affecting registration of birth

(3) Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person having an interest may inspect any relevant statutory declaration filed under subsection 1 and obtain a certified copy thereof from the Registrar General. Inspection and copies R.S.O. 1970, c. 483

13. Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person who has an interest, furnishes substantially accurate particulars and satisfies the Registrar General as to his reason for requiring it may inspect any statutory declaration filed under subsection 8 of section 5 of *The Vital Statistics Act* or any request filed under subsection 5 of section 6 of that Act and obtain a certified copy thereof from the Registrar General. Inspection of filings under R.S.O. 1970, c. 483, s. 6 (5, 8)

14.—(1) The registrar or clerk of every court in Ontario shall furnish the Registrar General with a statement in the form prescribed by the regulations respecting each order or judgment of the court that makes a finding of parentage or that is based upon a recognition of parentage. Filing of court decisions respecting parentage

(2) Upon application and upon payment of the fee prescribed under *The Vital Statistics Act*, any person may Inspection by public

inspect an order or judgment filed under subsection 1 and obtain a certified copy thereof from the Registrar General.

Certified
copies as
evidence

15. A certificate certifying a copy of a document to be a true copy, obtained under section 12, 13 or 14, purporting to be signed by the Registrar General or Deputy Registrar General or on which the signature of either is lithographed, printed or stamped is, without proof of the office or signature of the Registrar General or Deputy Registrar General, receivable in evidence as *prima facie* proof of the filing and contents of the document for all purposes in any action or proceeding.

Regulations
for forms

16. The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of this Part.

PART III

COMPLEMENTARY AMENDMENTS

R.S.O. 1970,
c. 222, s. 16 (1),
amended

17.—(1) Subsection 1 of section 16 of *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, is amended by inserting after “father” in the third line “if known”.

s. 16 (2),
amended

(2) Subsection 2 of the said section 16 is amended by inserting after “no” in the first line “known”.

R.S.O. 1970,
c. 242,
repealed

18. *The Legitimacy Act*, being chapter 242 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 343, s. 7 (4),
amended

19. Subsection 4 of section 7 of *The Perpetuities Act*, being chapter 343 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimation” in the second line.

R.S.O. 1970,
c. 396, s. 30,
amended

20. Section 30 of *The Quieting Titles Act*, being chapter 396 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimate” in the second line.

R.S.O. 1970,
c. 449,
s. 1 (d) (1),
amended

21.—(1) Subclause i of clause d of section 1 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, is amended by striking out “legitimate”.

s. 1 (d) (iv),
amended

(2) Subclause iv of clause d of the said section 1 is amended by striking out “legitimate” in the first line.

s. 7 (11) (c) (1),
amended

(3) Subclause i of clause c of subsection 11 of section 7 of the said Act, as re-enacted by the Statutes of Ontario,

SECTION 16. Prescribing forms by regulation is provided for.

SECTION 17. The provisions amended are concerned with the consent of a father on appointment of a guardian. The amendments recognize that the father, as determined under this Act, may not be known.

SECTIONS 18 TO 23. The amendments eliminate references to legitimate and illegitimate children.

1973, chapter 109, section 2, is amended by striking out "legitimate".

22.—(1) Subsection 2 of section 6 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, is amended by striking out "an illegitimate child" in the first and second lines and inserting in lieu thereof "a child born outside marriage". R.S.O. 1970,
c. 483, s. 6 (2),
amended

(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by striking out "a child has been legitimated by the subsequent intermarriage of his parents" in the first and second lines and inserting in lieu thereof "after the birth of a child his parents intermarry", and by striking out "as to the legitimation" in the thirteenth line. s. 12,
amended

(3) Subsection 2 of section 41 of the said Act is repealed. s. 41 (2),
repealed

23. Clause *r* of subsection 1 of section 1 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by striking out "and, where the employee is the parent or grandparent of an illegitimate child, includes such child and, where the employee is an illegitimate child, includes his parents and grandparents" in the eighth, ninth, tenth and eleventh lines and in the amendment of 1973. R.S.O. 1970,
c. 505,
s. 1 (1) (r),
amended

24. This Act comes into force on the 1st day of September, 1977. Commence-
ment

25. This Act may be cited as *The Children's Law Reform Act*, 1977. Short title

An Act to reform the
Law respecting the Status of Children

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Election Finances Reform Act, 1975**

MR. JOHNSON
(Wellington-Dufferin-Peel)

EXPLANATORY NOTE

This Bill permits newspapers which are published weekly or less frequently to accept election advertisements when the regular publication date comes on the day before polling day. The amendment is substantially the same as a recommendation of the Commission on Election Contributions and Expenses contained in its Second Annual Report.

BILL 10

1977

**An Act to amend
The Election Finances Reform Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Election Finances Reform Act, 1975*, being ^{s. 38,} chapter 12, is amended by adding thereto the following sub-^{amended} section:

(2a) Nothing contained in subsection 1 shall prohibit the procuring for publication, causing to be published or con-^{Extension} sending to the publication of an advertisement referred to^{of period} therein on the day before polling day in a newspaper which is^{of campaign} published in Ontario not more frequently than once a week^{advertising} and whose day of regular publication falls on the day before polling day.
2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-
ment</sup>
3. This Act may be cited as *The Election Finances Reform* ^{Short title} *Amendment Act, 1977*.

An Act to amend
The Election Finances
Reform Act, 1975

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

MR. JOHNSON
(Wellington-Dufferin-Peel)

(Private Member's Bill)

BILL 10

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Election Finances Reform Act, 1975

MR. JOHNSON
(Wellington-Dufferin-Peel)

TORONTO

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BILL 10

1977

**An Act to amend
The Election Finances Reform Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Election Finances Reform Act, 1975*, being ^{s. 38,} amended chapter 12, is amended by adding thereto the following subsection:

(2a) Nothing contained in subsection 1 shall prohibit the procuring for publication, causing to be published or con-^{Extension of period of campaign advertising} sending to the publication of an advertisement referred to therein on the day before polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day before polling day.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Election Finances Reform* ^{Short title} *Amendment Act, 1977*.

An Act to amend
The Election Finances
Reform Act, 1975

1st Reading

March 31st, 1977

2nd Reading

April 21st, 1977

3rd Reading

April 21st, 1977

MR. JOHNSON
(Wellington-Dufferin-Peel)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Personal Property Security Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 44 of the Act presently reads as follows:

44.—(1) Upon the request of any person and upon payment of the prescribed fee the registrar shall,

(a) issue a certificate stating whether there is registered at the time mentioned in the certificate a financing statement or financing change statement the registration of which is still effective in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the central office of the registration system; or

(b) furnish a certified copy of a registered financing statement or a registered financing change statement.

(2) A certificate issued under clause a of subsection 1 is prima facie evidence of the contents thereof.

(3) A certified copy furnished under clause c of subsection 1 is prima facie evidence of the contents of the document so certified.

Subsection 1 of section 44 of the Act, as re-enacted, breaks down the search into three possible indices, namely, the individual debtor index, the business debtor index and the motor vehicle serial number index.

Subsection 3 of section 44 of the Act is amended to correct an internal reference.

**An Act to amend
The Personal Property Security Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 44 of *The Personal Property Security Act*, being chapter 344 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 102, section 8, is repealed and the following substituted therefor:

(1) Upon the request of any person for a search of the individual debtor index, business debtor index or motor vehicle serial number index and upon payment of the prescribed fee, the registrar shall,

- (a) issue a certificate stating whether there is registered at the time mentioned in the certificate a financing statement or financing change statement the registration of which is still effective in which the person named or the motor vehicle serial number shown in the certificate is shown in the designated place on the financing statement or financing change statement as a debtor or as a serial number, as the case may be, and, if there is, the registration number of it and any other related information recorded in the central file of the registration system; or
- (b) furnish a certified copy of a registered financing statement or a registered financing change statement.

- (2) Subsection 3 of the said section 44 is amended by striking out "c" in the first line and inserting in lieu thereof "b".

Commence-
ment

2. This Act comes into force on the 1st day of April, 1977.

Short title

3. This Act may be cited as *The Personal Property Security Amendment Act, 1977*.

An Act to amend
The Personal Property Security Act

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to provide for Class Actions

MR. LAWLOR

EXPLANATORY NOTE

The purpose of this Bill is to provide a statutory procedure whereby one or more persons may sue a defendant in the form of a class action.

The Bill is designed to achieve this purpose by permitting a person who wishes to sue on behalf of a class to apply for a court order authorizing the class action. Once the order is obtained, the action proceeds as a class action, and the final judgment binds all members of the class, except those who have been excluded, as well as the parties to the action.

BILL 12

1977

An Act to provide for Class Actions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Court" means the Supreme Court of ^{Interpre-}
Ontario. ^{tation}

2.—(1) Where a person has a cause of action involving ^{Class}
questions of law or fact that are common to a class of ^{action}
persons, he may commence the action as representative
party on behalf of the class.

(2) An action under subsection 1 shall not be main- ^{Order}
tained as a class action unless the person or persons ^{required}
suing as representative party has obtained an order of the
Court permitting the action to proceed as a class action.

3.—(1) A representative party may apply to the Court ^{Where order}
for an order referred to in section 2, and the Court may ^{to be}
make the order where it is satisfied that, ^{granted}

- (a) the claims of the representative party are typical of the claims of the class;
- (b) the questions of law or fact common to the members of the class predominate over any questions affecting only individual members;
- (c) a class action is superior to other available methods for the fair and efficient adjudication of the controversy; and
- (d) the representative party is acting in good faith and it is *prima facie* in the interests of the class that the action be maintained as a class action.

(2) The Court shall not refuse to make an order under ^{Where order}
this section on the ground only that, ^{not to be}
^{denied}

- (a) the relief claimed in the action includes a claim for damages;
- (b) the relief claimed in the action arises out of or relates to separate contracts or transactions made with or entered into between members of the class and the defendant; or
- (c) any damages claimed for members of the class will require individual action.

Content
of order

- (3) An order under subsection 1 shall,
- (a) define the class on whose behalf the claim is brought;
 - (b) describe briefly the nature of the claim made and of the relief sought;
 - (c) state the questions of law or fact that are common to the class; and
 - (d) specify a date before which members of the class may exclude themselves from the class.

Variation
of order

- (4) An order made under this section may be varied from time to time or rescinded by the Court if it thinks it fit and just to do so before judgment in the action.

Notice of
class action

4.—(1) Where an order is made under section 3, the Court may direct that notice in manner and form satisfactory to the Court be given to the members of the class or any of them advising them of the proceedings and of the date before which members of the class may exclude themselves from the class.

Statement
of desire
for exclu-
sion from
the class

(2) Where a person has notice that he is a member of a class on behalf of which a representative party is suing, he shall be excluded from the class by filing with the Court a statement of his desire to be excluded, in writing signed by him prior to the date specified in the order under section 3, and may be excluded, in the discretion of the Court, where the statement is filed subsequent to the date specified in the order and prior to judgment.

Judgment

5.—(1) The judgment in a class action constitutes a final judgment between each member of the class who was not excluded under section 4 and each person against whom the class action was taken in respect of those matters set out in the order under section 3.

(2) Notwithstanding anything in subsection 1, the Court ^{Idem} may provide in the judgment for subsequent determination of the amount of compensation for loss or damage suffered by members of the class or any other issues.

6. An action maintained as a class action shall not be discontinued, settled or dismissed for want of prosecution without the approval of the Court, and, if the Court determines that the interests of the class may be substantially affected by such discontinuance, settlement or dismissal, the Court may direct that notice in manner, form and content satisfactory to the Court shall be given. <sup>Discontinu-
ance, settle-
ment, etc.</sup>

7. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

8. This Act may be cited as *The Class Actions Act, 1977*. ^{Short title}



An Act to provide
for Class Actions

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

MR. LAWLOR

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Occupiers' Liability

MR. LAWLOR

T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill replaces the common law as to an occupier's duty of care, replacing the common law distinctions between duties to invitees, licensees, trespassers and child trespassers with one common duty of care applied to the circumstances of each case.

The Bill is in the form recommended by The Uniform Law Conference of Canada.

BILL 13

1977

An Act respecting Occupiers' Liability

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "occupier" means,

- (i) a person who is in physical possession of premises, or
- (ii) a person who has responsibility for, and control over, the condition of premises, the activities conducted on those premises and the persons allowed to enter the premises,

and, for the purposes of this Act, there may be more than one occupier of the same premises;

(b) "premises" includes,

- (i) land and structures or either of them, excepting portable structures and equipment other than those described in subclause iii,
- (ii) ships and vessels,
- (iii) trailers and portable structures designed or used for a residence, business, or shelter,
- (iv) railway locomotives, railway cars, vehicles, and aircraft while not in operation.

2. Subject to subsection 4 of section 3, and sections ^{Application} 4 and 9, the provisions of this Act determine the care that ^{of Act}

an occupier is required to show toward persons entering on the premises in respect of dangers to them, or to their property on the premises, or to the property on the premises of persons who have not themselves entered on the premises, that are due to the state of the premises, or to anything done or omitted to be done on the premises, and for which he is in law responsible.

Occupiers'
duty of
care

3.—(1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that any person, and his property on the premises, and any property on the premises of a person, whether or not that person himself enters on the premises, will be reasonably safe in using the premises.

Idem

(2) The duty of care referred to in subsection 1 applies in relation to,

- (a) the condition of the premises; or
- (b) activities on the premises; or
- (c) the conduct of third parties on the premises.

Where no
duty of
care

(3) Notwithstanding subsection 1, an occupier has no duty of care to a person in respect of risks willingly accepted by that person as his own risks.

Higher
standard
of care
preserved

(4) Nothing in this section relieves an occupier of premises of a duty to exercise, in a particular case, a higher standard of care which, in that case, is incumbent upon him by virtue of an enactment or rule of law imposing special standards of care on particular classes of persons.

Contracting
out

4.—(1) Subject to subsections 2, 3 and 4, where an occupier is permitted by law to extend, restrict, modify, or exclude his duty of care to any person by express agreement, or by express stipulation or notice, the occupier shall take reasonable steps to bring such extension, restriction, modification, or exclusion to the attention of that person.

Idem

(2) Subsection 1 does not apply to a person,

- (a) who is not privy to the express agreement;
- (b) who is empowered or permitted to enter or use the premises without the consent or permission of the occupier.

(3) Where an occupier is bound by contract to permit persons who are not privy to the contract to enter or use the premises, the duty of care of the occupier to such persons shall, notwithstanding anything to the contrary in that contract, not be restricted, modified or excluded thereby. Duty owed to persons not privy to contract

(4) This section applies to express contracts entered into before or after the commencement of this section. Applicable to express contracts

5.—(1) Notwithstanding subsection 1 of section 3, where damage is caused by the negligence of an independent contractor engaged by the occupier, the occupier is not on that account liable under this Act if, in all the circumstances, Independent contractors

(a) the occupier exercised reasonable care in the selection and supervision of the independent contractor; and

(b) it was reasonable that the work that the independent contractor was engaged to do should have been undertaken.

(2) Subsection 1 shall not be construed as restricting or excluding the liability of an occupier for the negligence of his independent contractor imposed by any other Act. Idem

(3) Where there is damage under the circumstances set out in subsection 1, and there is more than one occupier of the premises, each occupier is entitled to rely on the provisions of subsection 1. Idem

6.—(1) Where premises are occupied or used by virtue of a tenancy under which a landlord is responsible for the maintenance or repair of the premises, it is the duty of the landlord to show toward any person who, or whose property, may be on the premises the same care in respect of risks arising from any failure on his part in carrying out his responsibility, as is required by virtue of this Act to be shown by an occupier of premises toward persons entering on or using them. Landlord and tenant relationship

(2) Where premises are occupied by virtue of a sub-tenancy, subsection 1 applies to any landlord who is responsible for the maintenance or repair of the premises comprised in the sub-tenancy. Sub-tenancy

(3) For the purposes of this section, a landlord shall not be deemed to be in default in his duty under subsection 1 unless his default is such as to be actionable at the suit of the occupier. Idem

Other duties
preserved

(4) Nothing in this section shall be construed as relieving a landlord of any duty he may have apart from this section.

Idem

(5) For the purposes of this section, obligations imposed by any enactment in respect of a tenancy shall be deemed to be imposed by the tenancy, and "tenancy" includes a statutory tenancy, an implied tenancy, and any contract conferring the right of occupation, and "landlord" shall be construed accordingly.

Applica-
tion of
section

(6) This section applies to tenancies created before or after the commencement of this section.

Application of
R.S.O. 1970,
c. 296

7. *The Negligence Act* applies to this Act.

Crown
bound
R.S.O. 1970,
c. 365

8.—(1) Except as otherwise provided in subsection 2, the Crown is bound by this Act, and *The Proceedings Against the Crown Act* applies.

Idem

(2) Notwithstanding subsection 1, this Act does not apply to the Crown or to a municipality where the Crown or the municipality is the occupier of a public highway or public road.

Not to
affect
certain
relation-
ships

9. This Act does not apply to or affect,

(a) the liability of an employer in respect of his duties to his employee; or

(b) the liability of any person by virtue of a contract for the hire of, or for the carriage for reward of persons or property in, any vehicle, vessel, aircraft, or other means of transport; or

R.S.O. 1970,
c. 223

(c) the liability of any person under *The Innkeepers Act*; or

(d) the liability of any person by virtue of a contract of bailment.

No retro-
activity

10. Subject to subsection 3 of section 4 and subsection 6 of section 6, this Act applies only in respect of a cause of action arising after this Act comes into force.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Occupiers' Liability Act, 1977*.

An Act respecting Occupiers' Liability

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

MR. LAWLOR

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Labour Relations Act

THE HON. B. STEPHENSON
Minister of Labour

EXPLANATORY NOTES

SECTION 1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of the Act now read as follows:

(*e*) "*collective agreement*" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees;

.

(*h*) "*employers' organization*" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization;

.

(*n*) "*trade union*" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

The re-enactment of clause *e* adds the words "and includes a provincial agreement".

The re-enactment of clause *h* adds the words "and a designated or accredited employer bargaining agency".

The re-enactment of clause *n* adds the words "and a designated or certified employee bargaining agency".

In each instance the added words are complementary to the new sections 125 to 140 of the Act.

SECTION 2. The amendment is complementary to the new section 134 (3).

SECTION 3. The new sections 125 to 140 deal with province-wide bargaining in the industrial, commercial and institutional sector of the construction industry.

Section 125. The definitions are complementary to the new sections of the Act.

Section 126. Self-explanatory.

Section 127.—Subsection 1. The subsection provides that initially new bargaining agencies are to be designated by the Minister to represent individual trades or crafts and employers of such trades or crafts in province-wide, multi-employer bargaining in the industrial, commercial and institutional sector of the construction industry.

Subsection 2. The subsection permits the Minister to convene a conference of trade unions and employers to advise in the selection of the appropriate bargaining agency.

Subsection 3. The Minister may refer to the Ontario Labour Relations Board any question concerning a designation.

Subsection 4. The Minister is empowered to amend or revoke a designation and to make another designation.

Subsection 5. Self-explanatory.

Section 128. The section provides that a designated employee bargaining agency may be replaced by the Ontario Labour Relations Board if the Board finds the applicant for replacement to be more representative of employees in the trade or craft.

Section 129. The section provides that a designated employer bargaining agency may be replaced by the Ontario Labour Relations Board if the Board finds the applicant for replacement to be more representative of the employers in the trade or craft.

Section 130. The section provides that an employee bargaining agency, upon designation or replacement by the Ontario Labour Relations Board, has vested in it all the bargaining rights of the trade unions which represent the members of a particular trade or craft for the purpose of bargaining for a provincial agreement.

Section 131. The section provides that an employer bargaining agency, upon designation or replacement, has vested in it all the bargaining rights of employers for the purpose of bargaining for a provincial agreement.

Section 132. The section provides that existing collective agreements shall end according to their term of operation and are then replaced by the provincial agreements which will become binding upon employers, trade unions and employees in the trades or crafts covered by the provincial agreements.

Section 133. The section provides that a provincial agreement shall be the only agreement between employers and a designated trade or craft and any agreement or arrangement other than a provincial agreement shall be null and void.

The section further provides that all provincial agreements shall expire at the same time, April 30th, and shall be for a period of two years.

Section 134. The section sets out who is bound by a provincial agreement.

Section 135. The Ontario Labour Relations Board is empowered to determine whether work performed by employees is within the industrial, commercial and institutional sector of the construction industry.

Section 136. The section provides that an employee and an employer bargaining agency shall act in good faith with their members and the employers or unions they represent.

Section 137. The section provides that a co-ordinating agency of employer bargaining agencies may be designated and the constitution, etc., thereof, regulated by regulations made by the Lieutenant Governor in Council.

Section 138. Self-explanatory.

Section 139. Self-explanatory.

Section 140. Self-explanatory.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e*, *h* and *n* of subsection 1 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1(1)(*e, h, n*)
re-enacted

(*e*) "collective agreement" means an agreement in writing between an employer or an employers' organization, on the one hand, and a trade union that, or a council of trade unions that, represents employees of the employer or employees of members of the employers' organization, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employers' organization, the trade union or the employees, and includes a provincial agreement;

.

(*h*) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers' organization and a designated or accredited employer bargaining agency;

.

(*n*) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national, or international trade union, a certified council of trade unions and a designated or certified employee bargaining agency.

s. 112a(1),
amended

2. Subsection 1 of section 112a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 76, section 30, is amended by striking out "either" in the third line and inserting in lieu thereof "a".

ss. 125-140,
enacted

3. The said Act is amended by adding thereto the following sections:

PROVINCE-WIDE BARGAINING

Interpre-
tation

125. In this section and in sections 126 to 140,

- (a) "affiliated bargaining agent" means a bargaining agent that, according to established trade union practice in the construction industry, represents employees who commonly bargain separately and apart from other employees and is subordinate or directly related to, or is, a provincial, national or international trade union, and includes an employee bargaining agency;
- (b) "bargaining", except when used in reference to an affiliated bargaining agent, means province-wide, multi-employer, bargaining in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106;
- (c) "co-ordinating agency" means an organization of employer bargaining agencies formed for purposes that include the co-ordination of bargaining and designated in the regulations;
- (d) "employee bargaining agency" means an organization of affiliated bargaining agents that are subordinate or directly related to the same provincial, national or international trade union, and that may include the parent or related provincial, national or international trade union, formed for purposes that include the representation of affiliated bargaining agents in bargaining and which may be a single provincial, national or international trade union;
- (e) "employer bargaining agency" means an employers' organization or group of employers' organizations formed for purposes that include the representation of employers in bargaining;
- (f) "provincial agreement" means an agreement in writing covering the whole of the Province of Ontario between a designated or accredited em-

ployer bargaining agency that represents employers, on the one hand, and a designated or certified employee bargaining agency that represents affiliated bargaining agents, on the other hand, containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer bargaining agency, the employers represented by the employer bargaining agency and for whose employees the affiliated bargaining agents hold bargaining rights, the affiliated bargaining agents represented by the employee bargaining agency, or the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106.

126. Where there is conflict between any provision in sections 127 to 140 and any provision in sections 5 to 49 and 54 to 124, the provisions in sections 127 to 140 prevail.

127.—(1) The Minister may, upon such terms and conditions as the Minister considers appropriate, Designation by Minister

- (a) designate employee bargaining agencies to represent in bargaining provincial units of affiliated bargaining agents, and describe those provincial units;
- (b) notwithstanding an accreditation of an employers' organization as the bargaining agent of employers, designate employer bargaining agencies to represent in bargaining provincial units of employers for whose employees affiliated bargaining agents hold bargaining rights, and describe those provincial units.

(2) Where a designation is not made by the Minister of an employee bargaining agency or an employer bargaining agency under subsection 1 within sixty days after this section comes into force, the Minister may convene a conference of trade unions, councils of trade unions, employers and employers' organizations, as the case may be, for the purpose of obtaining recommendations with respect to the making of a designation. Minister may convene conference

(3) The Minister may refer to the Board any question that arises concerning a designation, or any terms or conditions therein, and the Board shall report to the Minister its decision on the question. Reference of question

Minister
may alter,
etc.,
designation

(4) Subject to sections 128 and 129, the Minister may alter, revoke or amend any designation from time to time and may make another designation.

R.S.O. 1970,
c. 410 does
not apply

(5) *The Regulations Act* does not apply to a designation made under subsection 1.

Application
to Board
by employee
bargaining
agency

128.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employee bargaining agency, whether designated or not, may apply to the Board to be certified to represent in bargaining a provincial unit of affiliated bargaining agents.

Certification
by Board

(2) Where the Board is satisfied that a majority of the affiliated bargaining agents falling within the provincial unit is represented by the employee bargaining agency and that such majority of affiliated bargaining agents holds bargaining rights for a majority of employees that would be bound by a provincial agreement, the Board shall certify the employee bargaining agency.

Application
to Board
by employer
bargaining
agency

129.—(1) During the period between the one hundred and twentieth and the one hundred and eightieth days prior to the termination of a provincial agreement, an employer bargaining agency, whether designated or not, may apply to the Board to be accredited to represent in bargaining a provincial unit of employers for whose employees affiliated bargaining agents hold bargaining rights.

Accreditation
by Board

(2) Where the Board is satisfied that a majority of employers falling within the provincial unit is represented by the employer bargaining agency and that such majority of employers employ a majority of the employees for whom the affiliated bargaining agents hold bargaining rights, the Board shall accredit the employer bargaining agency.

Vesting of
rights,
duties and
obligations

130. Where an employee bargaining agency has been designated under section 127 or certified under section 128 to represent a provincial unit of affiliated bargaining agents, all rights, duties and obligations under this Act of the affiliated bargaining agents for which it bargains shall vest in the employee bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement.

Idem

131. Where an employer bargaining agency has been designated under section 127 or accredited under section 129 to represent a provincial unit of employers,

(a) all rights, duties and obligations under this Act of employers for which it bargains shall vest in the

employer bargaining agency, but only for the purpose of conducting bargaining and concluding a provincial agreement; and

- (b) an accreditation heretofore made under section 115 of an employers' organization as bargaining agent of the employers in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 represented or to be represented by the employer bargaining agency is null and void from the time of such designation under section 127 or accreditation under section 129.

132.—(1) Subject to subsection 2, any collective agreement in operation upon the coming into force of this section in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and represented by affiliated bargaining agents, is enforceable by and binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision respecting its renewal. Termination
of collective
agreement

(2) Notwithstanding subsection 1 of section 44, every collective agreement in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 entered into after the 1st day of January, 1977 and before the 30th day of April, 1978 shall be deemed to expire not later than the 30th day of April, 1978, regardless of any provision respecting its term of operation or its renewal. Idem

(3) Where any collective agreement mentioned in subsection 1 ceases to operate, the affiliated bargaining agent, the employer and the employees for whom the affiliated bargaining agent holds bargaining rights shall be bound by the provincial agreement made between an employee bargaining agency representing the affiliated bargaining agent and the employer bargaining agency representing the employer. Provincial
agreement
binding

(4) After the 30th day of April, 1978, where an affiliated bargaining agent obtains bargaining rights through certification or voluntary recognition in respect of employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, the employer, the affiliated bargaining agent, and the employees for whom the affiliated bargaining agent has obtained bargaining rights are bound by the provincial agreement made between an employee bargaining agency represent- Idem

ing the affiliated bargaining agent and an employer bargaining agency representing a provincial unit of employers in which the employer would have been included.

When provincial agreement ceases to operate

(5) Notwithstanding subsection 1 of section 44, where, under the provisions of this section, an employer, affiliated bargaining agent or employees become bound by a provincial agreement after the agreement has commenced to operate, the agreement ceases to be binding on the employer, affiliated agent or employees in accordance with the terms thereof.

Agency shall make only one agreement

133.—(1) An employee bargaining agency and an employer bargaining agency shall make only one provincial agreement for each provincial unit that it represents.

No agreement other than provincial agreement

(2) On and after the 30th day of April, 1978 and subject to section 132, no person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations or employer bargaining agency shall bargain for, attempt to bargain for, or conclude any collective agreement or other arrangement affecting employees represented by affiliated bargaining agents other than a provincial agreement as contemplated by subsection 1, and any collective agreement or other arrangement that does not comply with subsection 1 is null and void.

Expiry of provincial agreement

(3) Every provincial agreement shall provide for the expiry of the agreement on the 30th day of April calculated biennially from the 30th day of April, 1978.

Non-application of s. 43

134.—(1) Section 43 does not apply to a designated or accredited employer bargaining agency or a designated or certified employee bargaining agency.

Provincial agreement binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency but only in respect of those employees for whom the affiliated bargaining agents hold bargaining rights and who are employed in the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in such sector, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

(3) Any employee bargaining agency, affiliated bargaining agent, employer bargaining agency and employer bound by a provincial agreement shall be considered to be a party for the purposes of section 112a. ^{Parties}

135. The Board shall, upon the application of a trade union, a council of trade unions, or an employer or employers' organization, determine any question that arises as to whether work performed or to be performed by employees is within the industrial, commercial and institutional sector of the construction industry referred to in clause e of section 106. ^{Power of Board}

136.—(1) A designated or certified employee bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of the affiliated bargaining agents in the provincial unit of affiliated bargaining agents for which it bargains, whether members of the designated or certified employee bargaining agency or not and in the representation of employees, whether members of an affiliated bargaining agent or not. ^{Bargaining agency not to act in bad faith, etc.}

(2) A designated or accredited employer bargaining agency shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the provincial unit of employers for which it bargains, whether members of the designated or accredited employer bargaining agency or not. ^{Idem}

137. For the purpose of encouraging the co-ordination of bargaining, the Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) designating a co-ordinating agency;
- (b) establishing the constitution of a co-ordinating agency to provide for,
 - (i) the objects of the co-ordinating agency,
 - (ii) the appointment of a board of directors,
 - (iii) the fees to be paid by its members,
 - (iv) the duties, responsibilities and privileges of members, and
 - (v) other matters necessary for the operation of the co-ordinating agency.

Constitution
to be
compiled
with

138. A co-ordinating agency and its members shall comply with the provisions of its constitution.

Membership
in co-
ordinating
agency

139. Every employer bargaining agency shall be a member of the co-ordinating agency designated in the regulations to co-ordinate bargaining for employer bargaining agencies and shall pay the fees set out in the constitution of that co-ordinating agency.

Exercise of
bargaining
rights

140. No co-ordinating agency shall exercise, or purport to exercise, the bargaining rights held by an employer bargaining agency.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Labour Relations Amendment Act, 1977*.

An Act to amend
The Labour Relations Act

1st Reading

March 31st, 1977

2nd Reading

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to regulate Transactions involving the
Purchase of Tax Refunds by Discount**

MR. DAVISON

EXPLANATORY NOTE

The purpose of this Bill is to regulate certain business practices relating to the purchase of tax refunds by discount. The Bill limits the amount of the discount which may be charged when a person enters a transaction of this nature. The Bill requires that the person who purchases a tax refund must pay at least 95 per cent of its value to the person selling his right to the refund.

BILL 15

1977

An Act to regulate Transactions involving the Purchase of Tax Refunds by Discount

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "tax refund" means a refund by a government of any jurisdiction of moneys paid by way of tax. <sup>Interpre-
tation</sup>

2. No person shall take an assignment of a right to receive a tax refund for consideration given for the assignment of less than 95 per cent of the tax refund payable to the assignor. <sup>Limitation
of
discount</sup>

3. Every assignment of a right to receive a tax refund is not binding unless it contains a statement that the taking of such an assignment for consideration of less than 95 per cent of the tax refund is an offence under this Act. <sup>Validity
of assign-
ment</sup>

4.—(1) Every person who contravenes section 2 and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. ^{Offence}

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Corporation}

5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

6. This Act may be cited as *The Tax Refund Discounts Act, 1977*. ^{Short title}

An Act to regulate Transactions
involving the Purchase of Tax
Refunds by Discount

1st Reading

April 4th, 1977

2nd Reading

3rd Reading

MR. DAVISON

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Ontario Human Rights Code

MRS. CAMPBELL

EXPLANATORY NOTES

The purpose of the Bill is to prohibit discrimination on the basis of an individual's sexual orientation.

SECTION 1. The portion of the preamble as amended would read:

"AND WHEREAS it is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, sex, marital status, sexual orientation, nationality, ancestry or place of origin;"

SECTION 2. Subsection 1 of section 1 as amended would read:

(1) No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race, creed, colour, sex, marital status, sexual orientation, nationality, ancestry or place of origin of such person or class of persons.

SECTION 3. Subsection 1 of section 2 as amended would read:

(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

(a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or

(b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, sex, marital status, sexual orientation, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

SECTION 4. Subsection 1 of section 3 as amended would read:

(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

(a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any housing accommodation,

because of race, creed, colour, sex, sexual orientation, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

SECTION 5. Section 4 prohibits discrimination in relation to a series of employment practices. In addition, the section prohibits discriminatory advertising by employers, discrimination in job application procedures and discrimination by employment agencies. The provision as amended would include "sexual orientation" as an unlawful basis of discrimination for the purposes of this section.

The section excepts certain non-profit organizations from compliance where race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is a *bona fide* occupational qualification and requirement. The section as amended would include "sexual orientation" in the exception.

BILL 16

1977

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being ^{Preamble, amended} chapter 318 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 119, section 1, is further amended by inserting after "status" in the amendment of 1972 "sexual orientation".
2. Subsection 1 of section 1 of the said Act, as amended by ^{s. 1 (1), amended} the Statutes of Ontario, 1972, chapter 119, section 2, is further amended by inserting after "status" in the amendment of 1972 "sexual orientation".
3. Subsection 1 of section 2 of the said Act, as amended by ^{s. 2 (1), amended} the Statutes of Ontario, 1972, chapter 119, section 3, is further amended by inserting after "status" in the amendment of 1972 "sexual orientation".
4. Subsection 1 of section 3 of the said Act, as re-enacted by ^{s. 3 (1), amended} the Statutes of Ontario, 1972, chapter 119, section 4, is amended by inserting after "sex" in the eleventh line "sexual orientation".
- 5.—(1) Subsection 1 of section 4 of the said Act, as re-enacted ^{s. 4 (1), amended} by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after "status" in the twenty-second line "sexual orientation".
- (2) Subsection 2 of the said section 4 is amended by ^{s. 4 (2), amended} inserting after "status" in the fifth line "sexual orientation".
- (3) Subsection 3 of the said section 4 is amended by ^{s. 4 (3), amended} inserting after "status" in the ninth line "sexual orientation".

s. 4 (4),
amended

(4) Subsection 4 of the said section 4 is amended by inserting after "colour" in the fifth line and in the eighth line "sexual orientation".

s. 4 (5),
amended

(5) Subsection 5 of the said section 4 is amended by inserting after "status" in the third line "sexual orientation".

s. 4 (7),
amended

(6) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "sexual orientation".

s. 4a (1),
amended

6.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "sexual orientation".

s. 4a (2),
amended

(2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "sexual orientation".

s. 6a,
amended

7. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "sexual orientation".

s. 9 (a),
amended

8.—(1) Clause a of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, is amended by inserting after "status" in the fourth line "sexual orientation".

s. 9 (c),
amended

(2) Clause c of the said section 9 is amended by inserting after "status" in the fourth line "sexual orientation".

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1977*.

SECTION 6. Section 4a as amended would read:

- 4a.—(1) *No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, sexual orientation, nationality, ancestry or place of origin.*
- (2) *No self-governing profession shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, sexual orientation, ancestry or place of origin.*

SECTION 7. Section 6a as amended would read:

- 6a. *Notwithstanding the provisions of this Part, the Commission may, upon conditions or limitations and subject to revocation or suspension, approve in writing any special plan or program by the Crown or any agency thereof or any person to increase the employment of members of a group or class of persons because of the race, creed, colour, age, sex, marital status, sexual orientation, nationality or place of origin of the members of the group or class of persons.*

SECTION 8. Clauses a and c of section 9 as amended would read:

9. *The Commission shall administer this Act and, without limiting the generality of the foregoing, the Commission shall,*
- (a) *forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, sexual orientation, nationality, ancestry or place of origin;*
-
- (c) *develop and conduct research and educational programs designed to eliminate discriminatory practices related to race, creed, colour, age, sex, marital status, sexual orientation, nationality, ancestry or place of origin;*
-

An Act to amend
The Ontario Human Rights Code

1st Reading

April 4th, 1977

2nd Reading

3rd Reading

MRS. CAMPBELL

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Public Utilities Act

MR. NEWMAN (Windsor-Walkerville)

EXPLANATORY NOTE

The purpose of the Bill is to provide for a review before a public utility can shut off water, hydro, gas or oil and telephone.

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 27 of *The Public Utilities Act*, <sup>s. 27 (3),
amended</sup> being chapter 390 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof "Subject to section 27b".
2. The said Act is amended by adding thereto the following <sup>ss. 27a, 27b,
enacted</sup> sections:

27a.—(1) In this section, "Board" means the Public <sup>Interpre-
tation</sup> Utilities Review Board.

(2) A board to be known as the "Public Utilities Review ^{Board} Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may designate ^{Chairman} one of the members to be chairman of the Board.

(4) One member of the Board constitutes a quorum. ^{Quorum}

(5) The Lieutenant Governor in Council may fill any ^{Vacancies} vacancy among the members of the Board.

(6) The Board shall hold such hearings and perform such ^{Hearings} other duties as are assigned to it by or under this Act.

27b.—(1) No corporation shall shut off a supply of a public ^{Hearing} utility under section 27 unless a hearing has been held to determine that the supply should be shut off.

(2) Where a corporation determines to shut off a supply ^{Notice} under section 27, it shall cause notice of the proposed shut off to be given to all parties that may be affected, indi-

cating that a hearing will be held by the Board within thirty days from the date of the notice.

Application
of 1971, c. 47

(3) Part I of *The Statutory Powers Procedure Act, 1971* applies to a hearing under subsection 1.

Board may
combine
hearings

(4) The Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

Decision
final

(5) A decision of the Board is final, except as to questions of law.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Utilities Amendment Act, 1977*.



An Act to amend
The Public Utilities Act

1st Reading

April 4th, 1977

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to relieve Persons from Liability in respect of
voluntary Emergency Medical and First Aid Services**

MR. HAGGERTY

EXPLANATORY NOTE

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

BILL 18

1977

**An Act to relieve Persons from
Liability in respect of voluntary
Emergency Medical and First Aid Services**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "physician" means a legally qualified medical practitioner;
- (b) "registered nurse" has the same meaning as defined in section 69 of *The Health Disciplines Act, 1974*. 1974, c. 47

2. Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency,

Relief
from
liability
for
damages

- (a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause *a* voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless such acts constitute wilful or wanton misconduct on his part.

Act does
not apply
to normal
medical
services

3. Nothing in section 2 shall be deemed to relieve a physician from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Good Samaritan Act, 1977*.

An Act to relieve Persons from Liability
in respect of voluntary Emergency Medical
and First Aid Services

1st Reading

April 4th, 1977

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to regulate
Trading in Commodity Futures Contracts**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

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EXPLANATORY NOTE

The purpose of the Bill is to regulate, under the Ontario Securities Commission, trading in commodity futures contracts and in those commodity futures options on which performance is guaranteed by a commodity futures exchange or its clearing house by:

1. except for *bona fide* hedging transactions, permitting to be traded in Ontario only those commodity futures contracts and exchange or clearing house guaranteed commodity futures options,
 - i. entered into on a commodity futures exchange registered with or "recognized" by the Ontario Securities Commission; and
 - ii. the form of which has been "accepted" for trading in Ontario by the Director of the Ontario Securities Commission;
2. registering those persons who act as dealers or advisers;
3. providing a regulatory framework within which any commodity futures exchange that might be established in Ontario would be supervised.

Dealt with as securities under *The Securities Act*, would be commodity futures options which are not traded on commodity futures exchanges recognized or registered by the Ontario Securities Commission under *The Commodity Futures Act, 1977*, margin account type contracts, and options on physical commodities offered to the public. Trades in these securities, except those effected by *bona fide* hedgers, would be subject to the registration and prospectus filing requirements of *The Securities Act*.

BILL 19

1977

An Act to regulate Trading in Commodity Futures Contracts

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

1. "adviser" means a person or company engaging in or holding himself or itself out as engaging in the business of advising others as to trading in contracts;
2. "*bona fide* hedging transaction" means a purchase or sale of a commodity by way of a commodity futures contract or the acquisition of a right, under a commodity futures option, to enter into a commodity futures contract for the *bona fide* purpose of offsetting the price risks incidental to cash or spot commodity purchases or sales that are a necessary part of the hedger's agricultural, mining, forestry, fishing, processing, manufacturing or commercial activities, under which the hedger,
 - (a) assumes or acquires the right to assume,
 - (i) a short position in relation to a commodity futures contract offset by the present ownership or purchase at a fixed price of,
 - A. a like quantity of the commodity to be delivered under the commodity futures contract,
 - B. an equivalent quantity of a product or by-product of the commodity to be delivered under the commodity futures contract, or

- C. an equivalent quantity of a product from which the commodity to be delivered under the commodity futures contract is derived,
- (ii) a long position in relation to a commodity futures contract that is offset by the forward sale at a fixed price of,
 - A. a like quantity of the commodity to be delivered under the commodity futures contract,
 - B. an equivalent quantity of a product or by-product of the commodity to be delivered under the commodity futures contract, or
 - C. an equivalent quantity of a product from which the commodity to be delivered under the commodity futures contract is derived,
- (iii) a short position in relation to a commodity futures contract offset by a like quantity of the commodity to be delivered under the commodity futures contract the person or company is raising or producing or intends to raise or produce within the next twelve months on or from land owned or leased by that person or company,
- (iv) a long position in relation to a commodity futures contract to fill the anticipated requirements of a processor or manufacturer for the commodity to be delivered under the commodity futures contract or the equivalent quantity of a product or by-product of such commodity for a period of not more than twelve months, or
- (v) liquidating trades in relation to positions assumed in any of the cir-

cumstances set forth in the foregoing,
and

- (b) establishes and liquidates such positions in an orderly manner in accordance with sound commercial practices and in conformity with such regulations as may be prescribed under this Act;
- 3. "clearing house" means an association or organization, whether incorporated or unincorporated, or part of a commodity futures exchange through which trades in contracts entered into on such exchange are cleared;
- 4. "Commission" means the Ontario Securities Commission;
- 5. "commodity" means, whether in the original or a processed state, any agricultural product, forest product, product of the sea, mineral, metal, hydrocarbon fuel, currency or precious stone or other gem, and any goods, article, service, right or interest, or class thereof, designated as a commodity under the regulations;
- 6. "commodity futures contract" means a contract to make or take delivery of a specified quantity and quality, grade or size of a commodity during a designated future month at a price agreed upon when the contract is entered into on a commodity futures exchange pursuant to standardized terms and conditions set forth in such exchange's by-laws, rules or regulations;
- 7. "commodity futures exchange" means an association or organization, whether incorporated or unincorporated, operated for the purpose of providing the physical facilities necessary for the trading of contracts by open auction;
- 8. "commodity futures option" means a right, acquired for a consideration, to assume a long or short position in relation to a commodity futures contract at a specified price and within a specified period of time and any other option of which the subject is a commodity futures contract;
- 9. "company" means any corporation, incorporated association, incorporated syndicate or other incorporated organization;

10. "contract" means any commodity futures contract and any commodity futures option;
11. "daily price limits", where used in relation to commodity futures contracts, means the maximum fluctuation in the price at which commodity futures contracts relating to a particular commodity may be entered into during one trading session of a commodity futures exchange pursuant to the by-laws, rules or regulations of the exchange;
12. "daily trading limits", where used in relation to commodity futures contracts, means the maximum number of commodity futures contracts relating to a particular commodity a person or company may be permitted to trade in one day pursuant to the by-laws, rules or regulations of a commodity futures exchange, a direction, decision, order or ruling of that government or agency thereof to the regulation of which the exchange is subject including a decision of the Commission under subsection 2 of section 20, or a decision of the Commission under section 38;
13. "dealer" means a person or company that trades in contracts in the capacity of principal or agent;
14. "decision" means a direction, decision, order, ruling or other requirement made under a power or right conferred by this Act or the regulations;
15. "declaration date", where used in relation to a commodity futures option, means that date on which the option expires;
16. "delivery month", where used in relation to a commodity futures contract, means the designated month within which a commodity futures contract matures and settlement can be effected by the tender and receipt of the commodity or of an instrument evidencing title or the right to such commodity;
17. "Director" means the Director or any Deputy Director of the Commission;
18. "file" means deliver to the Commission;
19. "floor trader" means an individual who is employed by a dealer for the purpose of entering into con-

tracts on the floor of a commodity futures exchange on behalf of such dealer;

20. "liquidating trade" means effecting settlement of a commodity futures contract,
 - (a) in relation to a long position, by assuming an offsetting short position in relation to a contract entered into on the same commodity futures exchange for a like quantity and quality, grade or size of the same commodity deliverable during the same designated future month;
 - (b) in relation to a short position, by assuming an offsetting long position in relation to a contract entered into on the same commodity futures exchange for a like quantity and quality, grade or size of the same commodity deliverable during the same designated future month;
21. "long position", where used in relation to a commodity futures contract, means to be under an obligation to take delivery;
22. "margin" means the minimum dollar amount per contract prescribed under the rules and regulations of the commodity futures exchange on which the contract was entered into or by the Commission that must be deposited with a member of the commodity futures exchange for the purpose of ensuring performance of obligations under the contract;
23. "Minister" means the Minister of Consumer and Commercial Relations or other member of the Executive Council to whom the administration of this Act may be assigned;
24. "misrepresentation" means an untrue statement of material fact or an omission to state a material fact;
25. "officer" means the chairman or any vice-chairman of the board of directors, the president, vice-president, secretary, assistant secretary, treasurer, assistant treasurer or general manager of a company, or any other person designated an officer of a company by by-law or similar authority;

26. "open commodity futures contract" means an outstanding obligation under a commodity futures contract for which settlement has not been effected by the tender and receipt of the commodity or of an instrument evidencing title or the right to such commodity or by a liquidating trade;
27. "open interest", where used in relation to commodity futures contracts, means the total outstanding long positions or the total outstanding short positions, for each delivery month and in aggregate, in commodity futures contracts relating to a particular commodity entered into on a commodity futures exchange;
28. "person" means an individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator, or other legal representative;
29. "position limits", where used in relation to commodity futures contracts, means the maximum amount of any particular commodity with respect to which a person or company may at any time be in long positions or short positions under commodity futures contracts pursuant to the by-laws, rules or regulations of a commodity futures exchange, a direction, decision, order or ruling of that government or agency thereof to the regulation of which the exchange is subject including a decision of the Commission under subsection 2 of section 20, or a decision of the Commission under section 38;
30. "premium", where used in relation to a commodity futures option, means the consideration for which the option is acquired;
31. "register" means register under this Act, and "registered" has a corresponding meaning;
32. "registrant" means a person or company registered or required to be registered under this Act;
33. "regulations" means the regulations made under this Act;
34. "salesman" means an individual who is employed by a dealer for the purpose of making trades in contracts on behalf of such dealer;

35. "Secretary" means the Secretary of the Commission or any individual designated by the Commission to act in the capacity of Secretary;
36. "security" means a security within the meaning of *The Securities Act, 1977*; 1977, c. ...
37. "settlement price", where used in relation to a commodity futures contract, means the price which is used by a commodity futures exchange or its clearing house to determine, daily, the net gains or losses in the value of open commodity futures contracts;
38. "short position", where used in relation to a commodity futures contract, means to be under an obligation to make delivery;
39. "striking price", where used in relation to a commodity futures option, means the price at which the purchaser of the option has the right to assume a long or short position in relation to the commodity futures contract that is the subject of the option;
40. "trade" or "trading" includes,
 - (a) entering into contracts, whether as principal or agent;
 - (b) acting as a floor trader;
 - (c) any receipt by a registrant of an order to effect a transaction in a contract;
 - (d) any assignment or other disposition of rights under a contract except a disposition arising from the death of an individual enjoying rights under a contract; and
 - (e) any act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of the foregoing;
41. "undermargined" means the circumstances where deposits are, at any time, below the minimum margin prescribed under the rules or regulations of the commodity futures exchange upon which a contract was entered into or by the Commission.

PART I

COMMODITY FUTURES ADVISORY BOARD

Commodity
Futures
Advisory
Board

2.—(1) There shall be a board of not more than five members to be known as The Commodity Futures Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council may designate one of the members to be chairman.

Meetings

(2) The Commodity Futures Advisory Board shall meet at the call of the Commission.

Duties

(3) The Commodity Futures Advisory Board shall, when requested by the Commission, consult with and advise the Commission concerning,

(a) developments in the nature of contracts and manner of trading; and

(b) the influence of trading in contracts on the economy of Ontario.

Remunera-
tion

(4) The members of The Commodity Futures Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary expenses, as certified by the chairman, for attending at meetings and transacting the business of the Board.

PART II

APPOINTMENT OF EXPERTS

Appointment
of experts

3.—(1) The Commission may appoint one or more experts to assist the Commission in such manner as it may consider expedient.

Submissions
to experts

(2) The Commission may submit any agreement, contract, financial statement, report or other document to one or more experts appointed under subsection 1 for examination, and the Commission has the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission, and subsections 3 and 4 of section 7 apply *mutatis mutandis*.

Payment of
experts

(3) An expert appointed under subsection 1 shall be paid such amounts for services and expenses as the Lieutenant Governor in Council may determine.

PART III

ADMINISTRATIVE PROCEEDINGS, REVIEWS AND APPEALS

4.—(1) The Director shall forthwith notify the Commission ^{Notification of decision} of every decision refusing registration under section 23 or refusing to accept the form of a contract under section 36 and the Commission may, within thirty days of the decision, notify the Director and any person or company directly affected of its intention to convene a hearing to review the decision.

(2) Any person or company directly affected by a decision ^{Review of Director's decisions} of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the decision, request and be entitled to a hearing and review thereof by the Commission.

(3) Upon a hearing and review, the Commission may by ^{Power on review} order confirm the decision under review or make such other decision as the Commission considers proper.

(4) Notwithstanding that a person or company requests ^{Stay} a hearing and review under subsection 2, the decision under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review.

5.—(1) Any person or company directly affected by a ^{Appeal} decision of the Commission, may appeal to the Supreme Court.

(2) Notwithstanding that an appeal is taken under this ^{Stay} section, the decision appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal.

(3) The Secretary shall certify to the Registrar of the ^{Certification of documents} Supreme Court,

- (a) the decision that has been reviewed by the Commission;
- (b) the decision of the Commission, together with any statement of reasons therefor;
- (c) the record of the proceedings before the Commission; and
- (d) all written submissions to the Commission or other material that is relevant to the appeal.

Minister
entitled to
be heard

(4) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

(5) Where an appeal is taken under this section, the court may by its order direct the Commission to make such decision or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such decision or do such act accordingly.

Further
decisions

(6) Notwithstanding an order of the court, on an appeal, the Commission may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section.

Secretary

6.—(1) The Secretary may,

- (a) accept service of all notices or other documents on behalf of the Commission;
- (b) when authorized by the Commission, sign any decision made by the Commission as a result of a hearing;
- (c) certify under his hand any decision made by the Commission or any document, record or thing used in connection with any hearing by the Commission where certification is required for a purpose other than that stated in subsection 3 of section 5; and
- (d) exercise such other powers as are vested in him by this Act or the regulations and perform such other duties as are imposed upon him by this Act or the regulations or by the Commission.

Certification
by
Secretary

(2) A certificate purporting to be signed by the Secretary is, without proof of the office or signature certifying, admissible in evidence, so far as is relevant, for all purposes in any action, proceeding or prosecution.

PART IV

INVESTIGATIONS

Investiga-
tion order

7.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* ^{R.S.C. 1970, c. C-34} (Canada) in connection with a transaction relating to contracts,

the Commission may, by order, appoint any person to make such investigation as it considers expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

(2) The Commission may, by order, appoint any person to make such investigation as it considers expedient for the due administration of this Act or into any matter relating to trading in contracts, and in such order shall determine and prescribe the scope of the investigation. ^{Investigation order}

(3) For the purposes of any investigation ordered under this section, the person appointed to make the investigation may investigate, inquire into and examine, ^{Scope of investigation}

- (a) the affairs of the person or company in respect of which the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person or company and any property, assets or things owned, acquired or alienated in whole or in part by such person or company or by any person or company acting on behalf of or as agent for such person or company; and
- (b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with any such person or company and the relationship that may at any time exist or have existed between such person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, securities or other property, the transfer, negotiation or holding of securities, interlocking directorates, common control, undue influence or control or any other relationship.

Powers to
summon wit-
nesses and
require
production

(4) The person making an investigation under this section has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer questions or to produce such documents, records and things as are in his custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court provided that no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operation of this section.

R.S.O. 1970,
c. 151

Counsel

(5) A person giving evidence at an investigation under this section may be represented by counsel.

Seizure
of property

(6) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities, contracts or other property of the person or company whose affairs are being investigated.

Inspection
of seized
documents

(7) Where any documents, records, securities, contracts or other property are seized under subsection 6, such documents, records, securities, contracts or other property shall be made available for inspection and copying by the person or company from whom seized at a mutually convenient time and place if a request for an opportunity to inspect or copy is made by such person or company to the person appointed to make the investigation.

Accountants
and experts

(8) Where an investigation is ordered under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company whose affairs are being investigated.

Report of
investiga-
tion

(9) Every person appointed under subsection 1, 2 or 8 shall provide the Commission with a full and complete report of the investigation including any transcript of evidence and material in his possession relating to the investigation.

Report to
Minister

8. Where, upon the report of an investigation made under section 7, it appears to the Commission that any person or company may have,

(a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence under the *Criminal Code* R.S.C. 1970, c. C-34 (Canada) in connection with a transaction relating to contracts,

the Commission shall send a full and complete report of the investigation, including the report made to it, any transcript of evidence and any material in the possession of the Commission relating thereto, to the Minister.

9. Notwithstanding section 7, the Minister may, by Investigation by order of Minister order, appoint any person to make such investigation as the Minister considers expedient for the due administration of this Act or into any matter relating to trading in contracts, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights and privileges as a person appointed under section 7.

10. No person, without the consent of the Commission, Evidence not to be disclosed shall disclose, except to his counsel, any information or evidence obtained or the name of any witness examined or sought to be examined under section 7 or 9.

11. Where an investigation has been made under section 7, Report to Minister the Commission may, and, where an investigation has been made under section 9, the person making the investigation shall report the result thereof, including the evidence, findings, comments and recommendations, to the Minister, and the Minister may cause the report to be published in whole or in part in such manner as he considers proper.

12.—(1) The Commission may,

Order to freeze property

- (a) where it is about to order an investigation in respect of a person or company under section 7 or during or after an investigation in respect of a person or company under section 7 or 9;
- (b) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in contracts; or
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any contract or any trade therein, or out of any business conducted by such person or company,

R.S.C. 1970,
cc. B-4, W-11,
R.S.O. 1970,
cc. 228, 89,
53

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a*, *b* or *c* to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, the *Winding-up Act* (Canada) or section 13 of this Act, or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a commodity futures exchange clearing house, stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

Applica-
tion for
directions

(2) Any person or company named in a direction issued under subsection 1 may, if in doubt as to the application of the direction to particular funds or securities, apply to the Commission for an order of clarification.

Revocation
or amend-
ment of
direction

(3) Upon the application of a person or company directly affected by a direction issued under subsection 1, the Commission may make an order on such terms and conditions as it may impose revoking the direction or consenting to the release of any fund or security.

Appointment
of receiver,
etc.

13.—(1) The Commission may,

- (a) where it is about to order an investigation in respect of a person or company under section 7 or during or after an investigation in respect of a person or company under section 7 or 9;
- (b) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in contracts;
- (c) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company that in the opinion of the Com-

mission are connected with or arise out of any contract or any trade therein, or out of any business conducted by such person or company; or

- (d) where a person or company fails or neglects to comply with the minimum net asset requirements, investment restrictions, ownership restrictions, or capital requirements prescribed by the regulations for such person or company,

apply to a judge of the Supreme Court for the appointment of a receiver, receiver and manager, trustee or liquidator of the property of such person or company.

(2) Upon an application under subsection 1, the judge ^{Appointment} may, where he is satisfied that the appointment of a receiver, receiver and manager, trustee or liquidator of all or any part of the property of any person or company is in the best interests of the creditors of any such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, receiver and manager, trustee or liquidator of the property of such person or company.

(3) Upon an *ex parte* application made by the Commission ^{Ex parte application} under this section, the judge may make an order under subsection 2 appointing a receiver, receiver and manager, trustee or liquidator for a period not exceeding fifteen days.

(4) A receiver, receiver and manager, trustee or liquidator ^{Powers of receiver, etc.} of the property of any person or company appointed under this section shall be the receiver, receiver and manager, trustee or liquidator of all or any part of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, receiver and manager, trustee or liquidator shall have authority, if so directed by the judge, to wind up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

(5) An order made under this section may be enforced ^{Enforcement of order} in the same manner as any order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

(6) Upon an application made under this section, the rules ^{Rules of practice} of practice of the Supreme Court apply.

PART V

AUDITS

Audits by
Commission

14.—(1) Notwithstanding anything in sections 15, 16, 17 and 18, the Commission may in writing appoint any person to examine at any time the financial affairs of a registrant or a clearing house of a commodity futures exchange in Ontario and prepare such financial or other statements and reports that may be required by the Commission.

Access to
records

(2) The person making an examination under this section may inquire into and examine all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the registrant or clearing house whose financial affairs are being examined, and no registrant or clearing house shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination.

Fees

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section.

PART VI

SELF REGULATION—GENERALLY

Self-
regulatory
bodies

15.—(1) The Commission may recognize in writing an association or organization composed of registrants, whether incorporated or unincorporated, as a self-regulatory body where it is satisfied that to do so would be in the public interest and that the association or organization has satisfied or can satisfy all conditions with respect to self-regulatory bodies prescribed under the regulations.

Idem

(2) A self-regulatory body recognized under subsection 1 shall, subject to this Act and the regulations and any decision made by the Commission, regulate the standards and business conduct of its members.

Commission's
powers

(3) The Commission may, where it appears to it to be in the public interest, make any decision,

- (a) with respect to any by-law, rule or regulation or proposed by-law, rule or regulation of a self-regulatory body recognized under subsection 1;
- (b) with respect to any direction, decision, order or ruling made under any by-law, rule or regulation of a self-regulatory body recognized under subsection 1; or

- (c) with respect to any practice of a self-regulatory body recognized under subsection 1.

(4) Any person or company directly affected by any direction, decision, order or ruling made under any by-law, rule or regulation of a self-regulatory body recognized under subsection 1 may apply to the Commission for a hearing and review thereof and section 4 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director.

16. Every commodity futures exchange in Ontario granted registration by the Commission under section 19 and every self-regulatory body recognized by the Commission under section 15 shall,

- (a) select a panel of auditors, each of whom shall have practised as such in Ontario for not fewer than five years and shall be known as a panel auditor or members' auditor; and
- (b) employ an exchange auditor, association or organization auditor, as the case may be, whose appointment is subject to the approval of the Commission, and the appointee shall be an auditor who has practised as such in Ontario for not fewer than ten years.

17.—(1) Every commodity futures exchange in Ontario granted registration by the Commission and every self-regulatory body recognized by the Commission shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under clause *a* of section 16 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, association or organization auditor, as the case may be.

(2) The by-laws, rules and regulations of every commodity futures exchange in Ontario granted registration by the Commission and the by-laws, rules and regulations of every self-regulatory body recognized by the Commission in respect of the practice and procedure of the examinations under subsection 1 are subject to the approval of the Commission and the actual conduct of the examinations shall be satisfactory to the Commission.

Filing of
financial
statements
of registrants

18. Every registrant whose financial affairs are not subject to examination under section 17 shall keep such books and records as are necessary for the proper recording of his business transactions and financial affairs and shall deliver to the Commission annually and at such other time or times as the Commission may require a financial statement satisfactory to the Commission as to his financial position, certified by such registrant or an officer or partner of such registrant and reported upon by the auditor of such registrant, and shall deliver to the Commission such other information as the Commission may require in such form as it may prescribe.

PART VII

COMMODITY FUTURES EXCHANGES IN ONTARIO

Commodity
futures
exchanges in
Ontario

19.—(1) No person or company shall carry on business as a commodity futures exchange in Ontario unless such commodity futures exchange is registered as a commodity futures exchange.

Registration

(2) Upon application by or on behalf of a commodity futures exchange, the Commission shall grant registration to a commodity futures exchange for the purposes of subsection 1 where it is satisfied that to do so would not be prejudicial to the public interest and that,

- (a) the exchange or its clearing house guarantee that all obligations, including those to customers of defaulting members, arising out of contracts entered into on such commodity futures exchange will be met;
- (b) the clearing arrangements made and the financial condition of the commodity futures exchange and its clearing house are such as to ensure that the guarantee referred to in clause *a* can be honoured;
- (c) the rules and regulations applicable to exchange members and clearing house members are in the public interest and are actively enforced;
- (d) floor trading practices are fair and properly supervised;
- (e) adequate measures have been taken to prevent manipulation and excessive speculation;
- (f) adequate provision has been made to record and publish details of trading including volume and open interest; and

- (g) the commodity futures exchange has satisfied or can satisfy all conditions prescribed under the regulations for the conduct of the business of a commodity futures exchange.

(3) The Commission shall not refuse to grant registration ^{Hearing} to a commodity futures exchange for the purposes of subsection 1 without giving the applicant an opportunity to be heard.

20.—(1) Every commodity futures exchange in Ontario and its clearing house shall file with the Commission all by-laws, rules, regulations and policies as soon as practicable and in any event within five days of the date on which the by-law, rule, regulation or policy is approved by the board of directors of the commodity futures exchange or its clearing house and prior to approval by the membership of the commodity futures exchange or clearing house. ^{Filing of by-laws, etc.}

(2) The Commission may, where it appears to it to be in ^{Commission's powers} the public interest, make any decision,

- (a) with respect to the manner in which any commodity futures exchange or its clearing house carries on business;
- (b) with respect to any by-law, rule or regulation of any such commodity futures exchange or its clearing house; or
- (c) with respect to trading on or through the facilities of any such commodity futures exchange or with respect to any contract traded on any such commodity futures exchange including the setting of levels of margin, daily price limits, daily trading limits and position limits.

(3) Any person or company directly affected by any direction, order or decision made under any by-law, rule or regulation of a commodity futures exchange in Ontario or its clearing house may apply to the Commission for a hearing and review thereof and section 4 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director. ^{Review of decision of commodity futures exchange}

21. Every commodity futures exchange and its clearing house in Ontario shall keep such records as are necessary for the proper recording of each transaction on such exchange and shall, ^{Records and reports}

- (a) supply to any customer of any member of such commodity futures exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which the transaction took place and verification or otherwise of the matters set forth in the confirmation; and
- (b) deliver to the Commission at such time or times as the Commission may require reports as to transactions on such exchange in such form as the Commission may prescribe.

PART VIII

REGISTRATION FOR TRADING, ACTING AS ADVISER

Registration
for trading

22.—(1) No person or company shall,

- (a) trade in a contract unless such person or company is registered as a dealer or is registered as a salesman or floor trader or as a partner or as an officer of a registered dealer and is acting on behalf of such dealer;
- (b) act as an adviser unless such person or company is registered as an adviser, or is registered as a partner or as an officer of a registered adviser and is acting on behalf of such adviser,

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions.

Termination
re salesman
and floor
trader

(2) The termination of the employment of a salesman or floor trader with a registered dealer shall operate as a suspension of the registration of the salesman or floor trader until notice in writing has been received by the Director from another registered dealer of the employment of the salesman or floor trader by such other registered dealer and the re-instatement of the registration has been approved by the Director.

Non-trading
employee

(3) The Director may designate as non-trading any employee or class of employees of a registered dealer that does not usually trade in contracts, but the designation may be cancelled as to any employee or class of employees where the

Director is satisfied that any such employee or any member of such class of employees should be required to apply for registration as a salesman.

23.—(1) The Director shall grant registration, renewal of registration, reinstatement of registration or amendment to registration to an applicant except where, ^{Granting of registration}

- (a) having regard to the applicant's financial position, he cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the past conduct of the applicant, or the officers, directors or partners of the applicant, affords reasonable grounds for belief that his business will not be carried on in accordance with law and with integrity and honesty; or
- (c) the applicant is or will be carrying on activities that are in contravention of this Act or the regulations.

(2) The Director may in his discretion restrict a registration by imposing terms and conditions thereon and, without limiting the generality of the foregoing, may restrict the duration of a registration and may restrict the registration to trades in a certain class of contracts. ^{Terms and conditions}

(3) The Director shall not refuse to grant, renew, reinstate or amend registration or impose terms and conditions thereon without giving the applicant an opportunity to be heard. ^{Refusal}

24.—(1) The Commission, after giving a registrant an opportunity to be heard, may suspend, cancel, restrict or impose terms and conditions upon the registration or reprimand the registrant where in its opinion such action is in the public interest. ^{Suspension, cancellation, etc.}

(2) Where the delay necessary for a hearing under subsection 1 would, in the opinion of the Commission, be prejudicial to the public interest, the Commission may suspend the registration without giving the registrant an opportunity to be heard, in which case it shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 4. ^{Interim suspension}

(3) Notwithstanding subsection 1, the Commission may, upon an application by a registrant, accept, subject to such ^{Surrender}

terms and conditions as it may impose, the voluntary surrender of the registration of the registrant where it is satisfied the financial obligations of the registrant to its clients have been discharged and the surrender of the registration would not be prejudicial to the public interest.

Subsequent
applications

25. A further application for registration may be made upon new or other material or where it is clear that material circumstances have changed.

Application

26. An application for registration shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations.

Address
for service

27. Every applicant shall state in the application an address for service in Ontario and, except as otherwise provided in this Act, all notices under this Act or the regulations are sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated.

Further
information

28. The Director may require any further information or material to be submitted by an applicant or a registrant within a specified time and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registrant or any partner, officer, director, governor or trustee of, or any person performing a like function for, or any employee of, the applicant or of the registrant to submit to examination under oath by a person designated by the Director.

Residence

29.—(1) The Director may refuse registration to an individual if he has not been a resident of Canada for at least one year immediately prior to the date of the application for registration and if he is not a resident of Ontario at the date of such application unless at the time of such application such individual is registered in a capacity corresponding to that of a dealer, adviser, partner, officer, salesman or floor trader under the laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

Idem

(2) The Director may refuse registration to a person or company if any director or officer of such person or company has not been a resident of Canada for at least one year immediately prior to the date of application for registration

and is not a resident of Ontario at the date of such application unless at the time of such application he is registered in a capacity corresponding to that of dealer, adviser, partner, officer or salesman or floor trader under the laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

30.—(1) Every registered dealer shall, within five days of the event, notify the Director in the form prescribed by the regulations of, ^{Notice of changes}

- (a) any change in address for service in Ontario or any business address;
- (b) any change in,
 - (i) the directors or officers of the registered dealer and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and
 - (ii) the holders of the voting securities of the registered dealer;
- (c) the commencement and termination of employment of every salesman and floor trader and in the case of termination of employment, the reason therefor;
- (d) the opening or closing of any branch office in Ontario and, in the case of the opening of any branch office in Ontario, the name and address of the person in charge thereof; and
- (e) any change in the name or address of the person in charge of any branch office in Ontario.

(2) Every registered adviser, shall, within five days of the event, notify the Director in the form prescribed by the regulations of, ^{Idem}

- (a) any change in address for service in Ontario or any business address; and
- (b) any change in,
 - (i) the directors or officers of the registered adviser and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and

- (ii) the holders of the voting securities of the registered adviser.

Idem

(3) Every registered salesman and floor trader shall, within five days of the event, notify the Director in the form prescribed by the regulations of,

- (a) any change in his address for service in Ontario or in his business address; and
- (b) every commencement and termination of his employment by a registered dealer.

Exemptions

(4) The Director may, upon an application of a registrant, exempt, subject to such terms and conditions as he may impose, the registrant from the requirement of subsections 1 and 2 that the Director be notified of any change in the holders of voting securities of the registrant where in his opinion it would not be prejudicial to the public interest to do so.

PART IX

EXEMPTIONS FROM REGISTRATION REQUIREMENTS

Exemptions
of advisers

31. Registration as an adviser is not required to be obtained by,

R.S.C. 1970,
c. B-1

1974-75,
c. 14 (Can.)

R.S.O. 1970,
cc. 254, 224

1977, c. ...

- (a) a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), or a trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*;
- (b) a lawyer, accountant, engineer, teacher or employee of the Ministry of Agriculture and Food;
- (c) a registered dealer, or any partner, officer or employee thereof;
- (d) a person or company registered as an adviser under *The Securities Act, 1977*, or any partner, officer or employee thereof;
- (e) a publisher of or any writer for any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser

only through such publication and has no interest either directly or indirectly in any of the contracts upon which the advice is given and receives no commission or other consideration for giving the advice,

where the performance of the service as an adviser is solely incidental to their principal business or occupation; or

- (f) a person or company registered as a management company under *The Securities Act, 1977*; or 1977, c. ...
- (g) such other persons or companies as are designated by the regulations.

32.—(1) Subject to the regulations, registration is not required in respect of, Exemption of trades

- (a) a trade in a contract which is a *bona fide* hedging transaction;
- (b) a trade in a contract by a person or company acting solely through an agent who is a registered dealer; or
- (c) a trade in a commodity futures option in respect of which a preliminary prospectus and a prospectus have been filed and receipts therefor obtained from the Director under *The Securities Act, 1977*.

PART X

RECOGNITION OF COMMODITY FUTURES EXCHANGES AND ACCEPTANCE OF FORM OF CONTRACT

33. No person or company, except to effect a *bona fide* hedging transaction, shall trade in contracts on his own account or on behalf of any other person or company except those, Registration or recognition of commodity futures exchange and acceptance of form of contracts required

- (a) traded on a commodity futures exchange, registered by the Commission or recognized by the Commission under this Part; and
- (b) the form of which has been accepted by the Director under this Part; or
- (c) commodity futures options for which a preliminary prospectus and a prospectus has been filed and receipts therefor obtained from the Director under *The Securities Act, 1977*.

Recognition
of commodity
futures
exchange by
Commission

34.—(1) Upon application by or on behalf of a commodity futures exchange that is situate outside Ontario, the Commission shall recognize such commodity futures exchange where it is satisfied that to do so would not be prejudicial to the public interest and that,

- (a) the exchange or its clearing house guarantee that all obligations, including those to customers of defaulting members, arising out of contracts entered into on such commodity futures exchange will be met;
- (b) the clearing arrangements made and the financial condition of the commodity futures exchange and its clearing house are such as to ensure that the guarantee referred to in clause *a* can be honoured;
- (c) the rules and regulations applicable to exchange members and clearing house members are in the public interest and are actively enforced;
- (d) floor trading practices are fair and properly supervised;
- (e) adequate measures have been taken to prevent manipulation and excessive speculation;
- (f) adequate provision has been made to record and publish details of trading including volume and open interest;
- (g) the exchange and its clearing house have undertaken to comply with section 35; and
- (h) the exchange and its clearing house are subject to regulation by the Government of Canada, any other province of Canada, the United Kingdom or the United States of America, or any agency thereof.

Hearing

(2) The Commission shall not refuse to recognize a commodity futures exchange under this Part without giving the applicant an opportunity to be heard.

Filing of
by-laws, etc.

35. Every commodity futures exchange recognized by the Commission under section 34 and its clearing house shall file with the Commission all by-laws, rules, regulations and policies as soon as practicable and in any event within ten days of the date on which the by-law, rule, regulation or policy is approved by the Board of Directors of the commodity futures exchange or clearing house and prior to approval by

the membership of the commodity futures exchange or clearing house.

36.—(1) Upon application by or on behalf of a commodity futures exchange registered by the Commission, or recognized by the Commission under this Part, and the filing of a copy of all terms and conditions of a contract that it is proposed be traded in Ontario, the Director shall accept the form of contract where he is satisfied that to do so would not be prejudicial to the public interest and that,

Acceptance
of form of
contracts by
Director

- (a) more than occasional use is made or can be reasonably expected to be made of the contract for *bona fide* hedging transactions;
- (b) with respect to a commodity futures contract each term or condition is in conformity with normal commercial practices of the trade in the commodity or if not in such conformity there is reasonable justification therefor;
- (c) with respect to a commodity futures contract satisfactory levels of margin, daily price limits, daily trading limits and position limits are imposed by the commodity futures exchange;
- (d) with respect to a commodity futures option the form of the commodity futures contract that is the subject of the option has been accepted under this Part; and
- (e) with respect to a commodity futures option,
 - (i) performance on exercise of the option is guaranteed by the commodity futures exchange or clearing house,
 - (ii) the premium is held in trust for the option grantor by the commodity futures exchange or clearing house until exercise or expiration of the option or default of the option grantor, and
 - (iii) during the term of the option margin is required by the commodity futures exchange or clearing house from the option grantor as if he had entered into the commodity futures contract which is the subject of the option.

(2) The Director shall not refuse to accept the form of contract without giving the applicant an opportunity to be heard.

Hearing

Terms and
conditions of
contracts to
be available
through
agent

37.—(1) It is a condition of the acceptance of the form of a contract under section 36 that the commodity futures exchange file with the Commission and, through an agent in Ontario designated by the commodity futures exchange, make available to registrants copies of all current contract terms and conditions.

Idem

(2) Copies of amendments or additions to contract terms and conditions shall be filed with the Commission and supplied to the agent designated by the commodity futures exchange as soon as practicable and in any event within ten days of the date on which the amendment or addition is approved by the Board of Directors of the commodity futures exchange.

Idem

(3) The Director shall not accept the form of a contract until advised by the commodity futures exchange of the name and address of the agent designated for the purposes of subsection 1.

Idem

(4) The commodity futures exchange shall, within five days of the event, notify the Director of any change in the name or address of the agent designated for the purposes of subsection 1.

Order fixing
minimum
levels of
margin,
daily trading
limits or
position
limits

38. The Commission, where in its opinion such action is in the public interest, may by order, fix minimum levels of margin, daily trading limits or position limits applicable to commodity futures contracts traded on commodity futures exchanges recognized under section 34.

Order
exempting
from
registration
for trading,
acceptance
of form of
contract

39.—(1) The Commission may upon the application of an interested person or company, rule that an intended trade is not subject to section 22 or 33 where it is satisfied to do so will not be prejudicial to the public interest and may impose such terms and conditions as are considered necessary.

Ruling
final

(2) A decision of the Commission under this section is final and there is no appeal therefrom.

PART XI

REVOCATION OF REGISTRATION OR RECOGNITION OF COMMODITY FUTURES EXCHANGES AND ACCEPTANCE OF FORM OF CONTRACT

Order
revoking
registration
or recognition
of commodity
futures
exchange
or acceptance
of form of
contract

40.—(1) The Commission may, where in its opinion such action is in the public interest, and, subject to such terms and conditions as it may impose, by order

revoke registration of a commodity futures exchange under Part VII or recognition of a commodity futures exchange under Part X or revoke acceptance of the form of a contract under Part X for such period as is specified in the order.

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event the Commission may make a temporary order, that shall not be for longer than fifteen days from the date of the making thereof, but such order may be extended for such period as the Commission considers necessary where satisfactory information is not provided to the Commission within the fifteen day period.

PART XII

TRADING GENERALLY

41.—(1) Every registered dealer or adviser shall furnish each prospective customer prior to the opening of his account with a written statement in the form prescribed under the regulations which will,

- (a) explain the nature of, and risks inherent in trading in contracts and obligations assumed by the customer upon entering a contract;
- (b) advise the client to request and study the terms and conditions of the contract; and
- (c) furnish details concerning commissions and other charges levied by the dealer or adviser.

(2) Every registered dealer or adviser upon the request of a client shall furnish the client with a copy of all current terms and conditions of any contract the form of which has been accepted by the Director under Part X.

42.—(1) Subject to subsections 2 and 3, every registered dealer who acts as an agent in connection with a trade in a commodity futures contract shall require from the customer a margin of not less than the minimum prescribed under the rules or regulations of the commodity futures exchange upon which the contract is traded.

(2) Subject to subsection 3, where the Commission has made an order with respect to levels of margin under

section 20 or 38, every registered dealer who acts as an agent in connection with a trade in a commodity futures contract shall require from the customer a margin of not less than the minimum prescribed thereunder.

Margin
greater than
minimum

(3) Notwithstanding subsections 1 and 2, a registered dealer may require from the customer a margin greater than that prescribed under subsection 2 or 3.

Confirmation
of trade re
commodity
futures
contract

43.—(1) Every registered dealer who has acted as an agent in connection with any trade in a commodity futures contract, including a trade upon the exercise of a commodity futures option, shall, promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction, setting forth,

- (a) the date of the transaction;
- (b) the commodity and quantity bought or sold;
- (c) the commodity futures exchange upon which the contract was traded;
- (d) the delivery month and year;
- (e) the price at which the contract was entered into;
- (f) the name of the person or company from or to or through whom the commodity was bought or sold;
- (g) the name of the salesman, if any, in the transaction; and
- (h) a clear statement with respect to the obligation of the customer to meet margin calls and the consequence of an account being undermargined.

Coded
identification

(2) For the purposes of clauses *f* and *g* of subsection 1, a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

Filing
of code

(3) Where a person or company uses a code or symbols for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning.

(4) Every dealer who has acted as agent in connection with any trade in a commodity futures contract shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or to or through whom the commodity was bought or sold. ^{Disclosure of clients}

44. Every registered dealer who has acted as an agent in connection with a liquidating trade in a commodity futures contract shall, on the same day, send by prepaid mail or deliver to the customer in addition to the written confirmation required under section 43, a statement of purchase and sale setting forth, ^{Statement of purchase and sale}

- (a) the dates of the initial transaction and liquidating transaction;
- (b) the commodity and quantity bought and sold;
- (c) the commodity futures exchange upon which the contracts were traded;
- (d) the delivery month and year;
- (e) the prices on the initial transaction and on the liquidating transaction;
- (f) the gross profit or loss on the transactions;
- (g) the Commission; and
- (h) the net profit or loss on the transaction.

45. So long as any unexpired and unexercised commodity futures option or open commodity futures contract is outstanding in a customer's account, every registered dealer shall promptly send by prepaid mail or deliver to each customer a written statement prepared as of the last business day of each month, setting forth, ^{Monthly statement}

- (a) the opening cash balance for the month in the customer's account;
- (b) all deposits, credits, withdrawals and debits to the customer's account;
- (c) the cash balance in the customer's account as of the last business day of the month;
- (d) each unexpired and unexercised commodity futures option as of the last business day of the month;

- (e) the striking price of each unexpired and unexercised commodity futures option;
- (f) the settlement price as of the last business day of the month of the commodity futures contract that is the subject of each unexpired and unexercised commodity futures option;
- (g) each open commodity futures contract as of the last business day of the month;
- (h) the price at which each open commodity futures contract was entered into;
- (i) the settlement price as of the last business day of the month of each open commodity futures contract;
- (j) the amount that the equity in the account has increased or decreased as a result of the difference between the sums called for under clauses *h* and *i*; and
- (k) the total of the sums called for under clauses *c* and *j*.

Confirmation
of trade in
commodity
futures
option

46.—(1) Every registered dealer who has acted as an agent in connection with any trade in a commodity futures option shall, the same day, send by prepaid mail or deliver to the customer a written confirmation of the transaction setting forth,

- (a) the date of the transaction;
- (b) the type and number of commodity futures options;
- (c) the commodity futures exchange upon which the contract was traded;
- (d) the premium;
- (e) the commodity futures contract that is the subject of the commodity futures option;
- (f) the delivery month and year of the commodity futures contract that is the subject of the commodity futures option;
- (g) the declaration date;

- (h) the striking price;
- (i) the name of the person or company from or through whom the commodity futures option was obtained;
- (j) the commission, if any, charged in respect of the trade; and
- (k) the name of the salesman, if any, in the transaction.

(2) For the purposes of clauses *i* and *k* of subsection 1, ^{Coded identification} a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

(3) Where a person or company uses a code or symbols ^{Filing of code} for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning.

(4) Every dealer who has acted as agent in connection ^{Disclosure by agent} with any trade in a commodity futures option shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or through whom the commodity futures option was obtained.

47.—(1) All money, securities and property received by a ^{Trust fund} registered dealer to margin, guarantee or secure the trades or contracts of customers and all funds accruing to customers constitute a trust fund in his hands for the benefit of the customers for whom they are held, and the registered dealer is the trustee of all such money, securities, properties and funds so received by him for which he shall separately account and shall not commingle with his funds nor use to margin, guarantee or secure the trades or contracts or to secure or extend the credit of any customer other than the customer for whom such money, securities, property or funds are held.

(2) Notwithstanding subsection 1, the registered dealer ^{Idem} may have a residual financial interest in the trust fund and, from time to time, may advance to the trust from his own funds sufficient funds to prevent any and all customers' accounts from becoming undermargined.

Idem

(3) Notwithstanding subsection 1, where a registered dealer has a residual financial interest in the trust fund or has advanced his own funds to the trust to prevent any customer's account from becoming undermargined, his drawing upon the fund to his own order to the extent of his residual financial interest therein or to the extent of the actual advances made, shall be deemed not to be an appropriation or conversion thereof to his own use or to any use not authorized by the trust.

Reports

48. Every registered dealer shall deliver to the Commission, at such time or times as the Commission may require, reports as to transactions in contracts on its own account or on behalf of any other person or company in such form as the Commission may prescribe.

Order prohibiting calls to residences

49.—(1) The Director may, by order, suspend, cancel, restrict or impose terms and conditions upon the right of any person or company named in the order to,

(a) call at any residence; or

(b) telephone from within Ontario to any residence within or outside Ontario,

for the purpose of trading in any contract.

Hearing

(2) The Director shall not make an order under subsection 1 without giving the person or company affected an opportunity to be heard.

"residence" defined

(3) In this section, "residence" includes any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto.

What constitutes calls

(4) For the purposes of this section, a person or company shall be deemed conclusively to have called or telephoned where an officer, director or salesman of the person or company calls or telephones on his or its behalf.

Representations prohibited

50.—(1) No person or company, with the intention of effecting a trade in a contract, shall make any representation that he or any other person or company,

(a) will refund all or any of the margin or premium; or

(b) assume all or any part of the obligation of another person or company under the contract.

(2) No person or company, with the intention of effecting a trade in a contract, shall give any undertaking, written or oral, relating to the future value of such contract. Future value

51. No registrant shall use the name of another registrant on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he is a partner, officer or agent of or is authorized so to do in writing by the other registrant. Use of name of another registrant

52. No person or company shall hold himself out as being registered by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he is registered. Registration not to be advertised

53. No person or company who is not registered shall, either directly or indirectly, hold himself out as being registered. Holding out by unregistered person

54. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any registrant or upon the merits of any contract. Advertising approval by Commission

55. Every registered dealer or adviser who recommends a trade in a commodity futures contract in any circular, pamphlet, advertisement, letter, telegram or other publication issued, published or sent by it shall state in type not less legible than that used in the body of the publication whether it has a financial interest, direct or indirect, in the class of commodity futures contract recommended and whether its position is net short or net long. Disclosure of financial interest of dealers and advisers

56.—(1) The Commission may, after giving the registered dealer an opportunity to be heard, and upon being satisfied that the registered dealer's past conduct with respect to the use of advertising and sales literature affords reasonable grounds for belief that it is necessary for the protection of the public to do so, order that a registered dealer shall deliver to the Commission at least seven days before it is used, copies of all advertising and sales literature that the registered dealer proposes to use in connection with trading in contracts. Submission of advertising

(2) For the purposes of this section,

Interpretation

- (a) "advertising" includes television and radio commercials, newspaper and magazine advertisements and all other sales material generally disseminated through the communications media ; and

- (b) "sales literature" includes records, videotapes and similar material, written matter and all other material, except terms and conditions of contracts and the written statement required under section 41, designed for use in a presentation to a customer or prospective customer, whether such material is given or shown to him.

Prohibition
of
advertising

- (3) Where the Commission has issued an order under subsection 1, the Director may prohibit the use of the advertising and sales literature so delivered or may require that deletions or changes be made prior to its use.

Rescission
or variation
of order

- (4) Where an order has been made under subsection 1, the Commission, on application of the registered dealer at any time after the date thereof, may rescind or vary the order where in its opinion it is not contrary to the public interest to do so.

PART XIII

ENFORCEMENT

Offences,
general

57.—(1) Every person or company that,

- (a) makes a statement in any material, evidence or information submitted or given under this Act or the regulations to the Commission, its representative, the Director or to any person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (b) makes a statement in any application, release, report, return, financial statement, or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (c) otherwise contravenes this Act or the regulations; or
- (d) fails to observe or to comply with any direction, decision, ruling, order or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable, in the case of a company or a person other than an individual, to a fine of not more than \$25,000 and,

in the case of an individual, to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) No person or company is guilty of an offence under clause *a* or *b* of subsection 1 if he or it, as the case may be, did not know and in the exercise of reasonable diligence could not have known that the statement was a misrepresentation. Defence

(3) Where a company or a person other than an individual is guilty of an offence under subsection 1, every director or officer of such company or person who authorized, permitted, or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or to imprisonment for a term of not more than one year. Directors and officers

58. No proceedings under section 57 shall be instituted except with the consent or under the direction of the Minister. Consent of Minister

59. An information in respect of any contravention of this Act may be for one or more offences, and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. Information containing more than one offence

60.—(1) Where a provincial judge, magistrate or justice of another province or territory of Canada issues a warrant for the arrest of any person on a charge of contravening any provision of a statute of such province or territory similar to this Act, any provincial judge or justice of Ontario within whose jurisdiction that person is or is suspected to be, may, upon satisfactory proof of the handwriting of the provincial judge, magistrate or a justice who issued the warrant, make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed is sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdiction of the provincial judge or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario. Execution of warrant issued in another province

(2) Any constable of Ontario or of any other province or territory of Canada who is passing through Ontario having in his custody a person arrested in another province Prisoner in transit

or territory under a warrant endorsed under subsection 1 is entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof.

Order for
compliance

61.—(1) Where it appears to the Commission that any person or company has failed to comply with or is violating any decision or any provision of this Act or the regulations, the Commission may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights it may have, apply to a judge of the High Court designated by the Chief Justice of the High Court for an order,

- (a) directing such person or company to comply with such decision or provision or restraining such person or company from violating such decision or provision; and
- (b) directing the directors and senior officers of such person or company to cause such person or company to comply with or to cease violating any such decision or provision,

and, upon the application, the judge may make such order or such other order as he thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Limitation
period

62.—(1) No proceedings under this Part shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Idem

(2) No proceedings under this Act shall be commenced before the Commission more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission.

PART XIV

GENERAL PROVISIONS

Refunds

63. Where,

- (a) an application for registration or renewal of registration is abandoned;
- (b) an application for recognition of a commodity futures exchange is abandoned; or

- (c) an application for acceptance of the form of contract is abandoned,

the Director may, upon the application of the person or company who made the application recommend to the Treasurer of Ontario that a refund of the fee paid on the making of the application or such part thereof as he considers fair and reasonable be made, and the Treasurer may make such refund from the Consolidated Revenue Fund.

64. A statement as to,

Admissibility
in evidence
of certified
statements

- (a) the registration or non-registration of any person or company;
- (b) the filing or non-filing of any document or material required or permitted to be filed;
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, company, document or material; or
- (d) the date of the facts upon which any proceedings are to be based first came to the knowledge of the Commission,

purporting to be certified by the Commission or a member thereof, or by the Director is, without proof of the office or signature of the person certifying, admissible in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution.

65. The Commission shall make all material filed under this Act or the regulations available for public inspection during its normal business hours.

Material
available for
inspection

66.—(1) No action or other proceeding for damages shall be instituted against the Commission or any member thereof, or any officer, servant or agent of the Commission for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity of
Commission
and officers

(2) No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company for any act or omission done or omitted in compliance or intended compliance with any requirement,

Immunity re
intended
compliance

order or direction made or given under this Act or the regulations.

Regulations **67.** The Lieutenant Governor in Council may make regulations,

1. prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations;
2. classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category;
3. governing the furnishing of information to the public or to the Commission by a registrant in connection with contracts or trades therein;
4. designating any person or company or any class of persons or companies that shall not be required to obtain registration as an adviser;
5. designating any goods, article, service, right or interest, or class thereof, a commodity;
6. prescribing conditions for the conduct of the business of a commodity futures exchange;
7. prescribing conditions precedent to the recognition of self-regulatory bodies under section 15;
8. prescribing the fees payable to the Commission including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;
9. prescribing the documents, certificates, reports, releases, statements, agreements and other particulars relating thereto that are required to be filed, furnished or delivered under this Act and the regulations;
10. prescribing the practice and procedure of investigations under sections 7 and 9;
11. prescribing the forms for use under this Act and the regulations;
12. respecting the content and distribution of written,

printed or visual material and advertising that may be distributed or used by a person or company in respect of a contract ;

13. prescribing the form and content of the written statement required by section 41 ;
14. respecting terms of the trust imposed under section 47 ;
15. permitting the Commission or the Director to exempt any person or company from the provisions of the regulations or vary the provisions as they apply to any person or company.

68. The Commission may, where in its opinion to do so would not be prejudicial to the public interest, make an order on such terms and conditions as it may impose revoking or varying any decisions made by it under this Act or the regulations. Commission's discretion to revoke or vary its decision

69. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

70. This Act may be cited as *The Commodity Futures Act, 1977*. Short title

An Act to regulate Trading
in Commodity Futures Contracts

1st Reading

April 5th, 1977

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

The Securities Act, 1977

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

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EXPLANATORY NOTE

The Bill is a revision of *The Securities Act*.

The purpose of the revision is to:

- (a) implement the recommendations of The Report of The Canadian Committee on Mutual Funds and Investment Contracts;
- (b) establish a system providing continuous material information on the affairs of reporting issuers which, in turn, permits a more exhaustive and objective definition of when securities may be traded without restriction;
- (c) withdraw the exemption for take-overs by private agreement and those to be effected in the over-the-counter market while continuing the exemptions for take-overs through the facilities of a recognized stock exchange and bids for the shares of private companies;
- (d) require, where an issuer makes an offer to purchase its own securities, disclosure similar to that called for on take-over bids;
- (e) expand insider liability from insiders and their associates to include "tippees", i.e., anyone trading securities with knowledge of a material fact or change in respect of the issuer that has not been generally disclosed, to make the information, or "tipping", of another person or company of that material fact or change an offence and by parallel amendment remove insider reporting and liability from *The Business Corporations Act*;
- (f) require financial institutions, i.e., banks, loan and trust companies and insurance companies to obtain registration where, as either principal or agent, they trade in securities with the public while continuing the exemption from registration as dealer where banks and trust companies transmit unsolicited orders for execution through a registrant and the exemption of banks from registration as underwriter with respect to government and municipal securities;
- (g) require that financial institutions be subject to the continuous disclosure and insider reporting provisions of the legislation;
- (h) remove matters such as proxy solicitation generally regarded as corporate law from *The Securities Act* and, at the same time, by parallel amendments to *The Business Corporations Act* consolidate investor disclosure in *The Securities Act*;
- (i) amend some existing provisions of securities legislation in an effort to effectively achieve their purpose; and
- (j) reorganize *The Securities Act* into a more logical format leaving fundamental principles in the Act and the detailed implementation to the regulation making powers.

The Securities Act, 1977

HER MAJESTY, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

1. "adviser" means a person or company engaging in or holding himself or itself out as engaging in the business of advising others as to the investing in or the buying or selling of securities;
2. "associate", where used to indicate a relationship with any person or company means,
 - i. any company of which such person or company beneficially owns, directly or indirectly, voting securities carrying more than 10 per cent of the voting rights attached to all voting securities of the company for the time being outstanding,
 - ii. any partners of that person or company,
 - iii. any trust or estate in which such person or company has a substantial beneficial interest or as to which such person or company serves as trustee or in a similar capacity,
 - iv. any relative of such person, including his spouse, or of his spouse who has the same home as such person;
3. "Commission" means the Ontario Securities Commission;
4. "company" means any corporation, incorporated association, incorporated syndicate or other incorporated organization;

5. "contract" includes a trust agreement, declaration of trust or other similar instrument;
6. "contractual plan" means any contract or other arrangement for the purchase of shares or units of a mutual fund by payments over a specified period or by a specified number of payments where the amount deducted from any one of the payments as sales charges is larger than the amount that would have been deducted from such payment for sales charges if deductions had been made from each payment at a constant rate for the duration of the plan;
7. "contractual plan service company" means a person or company that sponsors or administers a contractual plan other than a trust company registered under *The Loan and Trust Corporations Act*;
8. "dealer" means a person or company who trades in securities in the capacity of principal or agent;
9. "decision" means a direction, decision, order, ruling or other requirement made under a power or right conferred by this Act or the regulations;
10. "Director" means the Director or any Deputy Director of the Commission;
11. "director", where used in relation to a person, includes a person acting in a capacity similar to that of a director of a company;
12. "distribution", where used in relation to trading in securities, means,
 - i. a trade in securities of an issuer that have not been previously issued,
 - ii. a trade by or on behalf of an issuer in previously issued securities of that issuer that have been redeemed or purchased by or donated to that issuer,
 - iii. a trade in previously issued securities of an issuer from the holdings of any person, company or combination of persons or companies holding a sufficient number of any securities of that issuer to affect materially the control of that issuer, but any holding of any person, company or combination of persons and companies holding more than 20 per cent of the outstanding voting securities of an issuer

R.S.O. 1970,
c. 254

shall, in the absence of evidence to the contrary, be deemed to affect materially the control of that issuer,

- iv. a trade in securities previously issued through an exemption in subsection 1 of section 73 that is not made in compliance with subsection 4, 5, 6 or 7 of section 73,
- v. the first trade in previously issued securities of a company that has ceased to be a private company,

and "distribute", "distributed" and "distributing" have a corresponding meaning;

- 13. "distribution company" means a person or company distributing securities under a distribution contract;
- 14. "distribution contract" means a contract between a mutual fund or its trustees or other legal representative and a person or company under which that person or company is granted the right to purchase the shares or units of the mutual fund for distribution or to distribute the shares or units of the mutual fund on behalf of the mutual fund;
- 15. "file" means deliver to the Commission;
- 16. "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a security holder, becomes a proxy;
- 17. "individual" means a natural person, but does not include a partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, or a natural person in his capacity as trustee, executor, administrator or other legal personal representative;
- 18. "insider" or "insider of a reporting issuer" means,
 - i. every director or senior officer of a reporting issuer,
 - ii. every director or senior officer of a company that is itself an insider or subsidiary of a reporting issuer,
 - iii. any person or company who beneficially owns, directly or indirectly, voting securities of a reporting issuer or who exercises control or direction over voting securities of a reporting

issuer or a combination of both carrying more than 10 per cent of the voting rights attached to all voting securities of the reporting issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and

- iv. a reporting issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;
19. "issuer" means a person or company who has outstanding, issues or proposes to issue, a security;
 20. "management company" means a person or company who provides investment advice, under a management contract;
 21. "management contract" means a contract under which a mutual fund is provided with investment advice, alone or together with administrative or management services, for valuable consideration;
 22. "material", where used in relation to a fact or change, means a fact or change that would reasonably be expected to have a significant effect on the market price of a security of an issuer;
 23. "Minister" means the Minister of Consumer and Commercial Relations or other member of the Executive Council to whom the administration of this Act may be assigned;
 24. "misrepresentation" means,
 - i. an untrue statement of material fact, or
 - ii. an omission to state a material fact;
 25. "mutual fund" includes an issuer of securities that entitle the holder to receive on demand, or within a specified period after demand, an amount computed by reference to the value of a proportionate interest in the whole or in a part of the net assets, including a separate fund or trust account, of the issuer of the securities;
 26. "officer" means the chairman, any vice-chairman of the board of directors, the president, any vice-president, the secretary, the assistant secretary, the treasurer, the assistant treasurer, and the general manager of a company, and any other person

designated an officer of a company by by-law or similar authority, or any individual acting in a similar capacity on behalf of an issuer or registrant;

27. "person" means an individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator, or other legal representative;
28. "portfolio manager" means an adviser registered for the purpose of managing the investment portfolio of clients through discretionary authority granted by the clients;
29. "portfolio securities", where used in relation to a mutual fund, means securities traded within the last thirty days, held, or proposed to be purchased by the mutual fund;
30. "private company" means a company in whose constating document,
 - i. the right to transfer its shares is restricted,
 - ii. the number of its shareholders, exclusive of persons who are in its employment and exclusive of persons who, having been formerly in the employment of the company, were, while in that employment, and have continued after termination of that employment to be, shareholders of the company, is limited to not more than fifty, two or more persons who are the joint registered owners of one or more shares being counted as one shareholder, and
 - iii. any invitation to the public to subscribe for its securities is prohibited;
31. "promoter" means,
 - i. a person or company who, acting alone or in conjunction with one or more other persons, companies or a combination thereof, directly or indirectly, takes the initiative in founding, organizing or substantially reorganizing the business of an issuer, or
 - ii. a person or company who, in connection with the founding, organizing or substantial reorganizing of the business of an issuer, directly or indirectly, receives in consideration of services or property, or both services and property, 10 per cent or more of any class of

securities of the issuer or 10 per cent or more of the proceeds from the sale of any class of securities of a particular issue, but a person or company who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this definition if such person or company does not otherwise take part in founding, organizing, or substantially re-organizing the business;

32. "proxy" means a completed and executed form of proxy by means of which a security holder has appointed a person or company as his nominee to attend and act for him and on his behalf at a meeting of security holders;
33. "register" means register under this Act, and "registered" has a corresponding meaning;
34. "registrant" means a person or company registered or required to be registered under this Act;
35. "regulations" means the regulations made under this Act;
36. "reporting issuer" means an issuer,
 - i. that has issued voting securities on or after the 1st day of May, 1967 in respect of which a prospectus was filed and a receipt therefor obtained under a predecessor of this Act or in respect of which a securities exchange take-over bid circular was filed under a predecessor of this Act,
 - ii. that has filed a prospectus and obtained a receipt therefor under this Act or that has filed a securities exchange take-over bid circular under this Act,
 - iii. any of whose securities have been at any time since the coming into force of this Act listed and posted for trading on any stock exchange in Ontario recognized by the Commission, regardless of when such listing and posting for trading commenced,
 - iv. to which *The Business Corporations Act* applies and which, for the purposes of that Act, is offering its securities to the public, or
 - v. that is the company whose existence continues following the exchange of securities of a com-

pany by or for the account of such company with another company or the holders of the securities of that other company in connection with,

- (a) a statutory amalgamation or arrangement; or
- (b) a statutory procedure under which one company takes title to the assets of the other company that in turn loses its existence by operation of law, or under which the existing companies merge into a new company,

where one of the amalgamating or merged companies or the continuing company has been a reporting issuer for at least twelve months;

- 37. "salesman" means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of the dealer;
- 38. "security" includes,
 - i. any document, instrument or writing commonly known as a security,
 - ii. any document constituting evidence of title to or interest in the capital, assets, property, profits, earnings or royalties of any person or company,
 - iii. any document constituting evidence of an interest in an association of legatees or heirs,
 - iv. any document constituting evidence of an option, subscription or other interest in or to a security,
 - v. any bond, debenture, note or other evidence of indebtedness, share, stock, unit, unit certificate, participation certificate, certificate of share or interest, pre-organization certificate, subscription or any agreement under which the interest of the purchaser is valued for purposes of conversion or surrender by reference to the value of a proportionate interest in a specified portfolio of assets,

- vi. any agreement providing that money received will be repaid or treated as a subscription to shares, stock, units or interests at the option of the recipient or of any person or company,
- vii. any certificate of share or interest in a trust, estate or association,
- viii. any profit-sharing agreement or certificate,
- ix. any certificate or interest in an oil, natural gas or mining lease, claim or royalty voting trust certificate,
- x. any oil or natural gas royalties or leases or fractional or other interest therein,
- xi. any collateral trust certificate,
- xii. any income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act*,
- xiii. any investment contract, other than an investment contract within the meaning of *The Investment Contracts Act*,
- xiv. any document constituting evidence of an interest in a scholarship or educational plan or trust,
- xv. any document constituting evidence of an agreement purporting to grant an exclusive right to use or occupy any part of specific real property for residential, recreational or vacation purposes for a specific time or times within any specific period of time where the agreement contemplates the grant of the same or similar rights to other persons or companies on a time sharing basis with respect to the specific real property,
- xvi. any commodity futures option within the meaning of *The Commodity Futures Act, 1977* except where such commodity futures option is traded on a commodity futures exchange registered or recognized by the Commission under *The Commodity Futures Act, 1977*, and

R.S.O. 1970,
c. 226

1977, c. . . .

- xvii. any commodity futures contract other than a commodity futures contract within the meaning of *The Commodity Futures Act*, 1977, c. . . . 1977,

whether any of the foregoing relate to an issuer or proposed issuer;

39. "senior officer" means,

- i. the chairman or a vice-chairman of the board of directors, the president, a vice-president, the secretary, the treasurer or the general manager of a company or any other individual who performs functions for an issuer similar to those normally performed by an individual occupying any such office, and
- ii. each of the five highest paid employees of an issuer, including any individual referred to in subparagraph i;

40. "trade" or "trading" includes,

- i. any sale or disposition of a security for valuable consideration, whether the terms of payment be on margin, instalment or otherwise, but does not include a purchase of a security,
- ii. any participation as a floor trader in any transaction in a security upon the floor of any stock exchange,
- iii. any receipt by a registrant of an order to buy or sell a security,
- iv. any transfer, pledge or encumbrancing of securities of an issuer from the holdings of any person or company or combination of persons or companies described in subparagraph iii of paragraph 12 for the purpose of giving collateral for a *bona fide* debt, and
- v. any act, advertisement, solicitation, conduct or negotiation directly or indirectly in furtherance of any of the foregoing;

41. "underwriter" means a person or company who, as principal, agrees to purchase securities with a view to distribution or who, as agent, offers for sale or sells securities in connection with a distribution and

includes a person or company who has a direct or indirect participation in any such distribution, but does not include,

- i. a person or company whose interest in the transaction is limited to receiving the usual and customary distributor's or seller's commission payable by an underwriter or issuer,
- ii. a mutual fund that, under the laws of the jurisdiction to which it is subject, accepts its shares or units for surrender and resells them,
- iii. a company that, under the laws of the jurisdiction to which it is subject, purchases its shares and resells them, or
- iv. a bank to which the *Bank Act* (Canada) applies with respect to the securities described in paragraph 1 of subsection 2 of section 35;

R.S.C. 1970,
c. B-1

42. "voting security" means any security other than a debt security of an issuer carrying a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

Affiliated
companies

(2) A company shall be deemed to be an affiliate of another company if one of them is the subsidiary of the other or if both are subsidiaries of the same company or if each of them is controlled by the same person or company.

Controlled
companies

(3) A company shall be deemed to be controlled by another person or company or by two or more companies if,

- (a) voting securities of the first-mentioned company carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or company or by or for the benefit of the other companies; and
- (b) the votes carried by such securities are entitled, if exercised, to elect a majority of the board of directors of the first-mentioned company.

Subsidiary
companies

(4) A company shall be deemed to be a subsidiary of another company if,

- (a) it is controlled by,
 - (i) that other, or
 - (ii) that other and one or more companies each of which is controlled by that other, or

(iii) two or more companies each of which is controlled by that other; or

(b) it is a subsidiary of a company that is that other's subsidiary.

(5) A person shall be deemed to own beneficially securities ^{Beneficial ownership of securities} beneficially owned by a company controlled by him or by an affiliate of such company.

(6) A company shall be deemed to own beneficially ^{Idem} securities beneficially owned by its affiliates.

(7) Every management company and every distribution company of a mutual fund that is a reporting issuer and every insider of such management company and distribution company shall be deemed to be an insider of the mutual fund. ^{Insider of mutual fund}

(8) Where an issuer becomes an insider of a reporting issuer, every director or senior officer of the issuer shall be deemed to have been an insider of the reporting issuer for the previous six months or for such shorter period that he was a director or senior officer of the issuer. ^{Issuer as insider of reporting issuer}

(9) Where a reporting issuer becomes an insider of any other reporting issuer, every director or senior officer of the second-mentioned reporting issuer shall be deemed to have been an insider of the first-mentioned reporting issuer for the previous six months or for such shorter period that he was a director or senior officer of the second-mentioned reporting issuer. ^{Reporting issuer as insider of other reporting issuer} R.S.O. 1970, c. 426, s. 1, *amended*.

PART I

THE COMMISSION

2.—(1) The Commission is continued and is responsible ^{Commission} for the administration of this Act.

(2) The Commission shall be composed of a Chairman and not more than eight other members, appointed by the Lieutenant Governor in Council, one of whom shall be designated as Vice-Chairman. ^{Appointment}

(3) Two members of the Commission constitute a quorum. ^{Quorum} R.S.O. 1970, c. 426, s. 2, *amended*.

Chairman
and members

3.—(1) The Chairman shall be the chief executive officer of the Commission and shall devote his full time to the work of the Commission, and the other members shall devote such time as may be necessary for the due performance of their duties as members of the Commission.

Delegation
of powers

(2) The Chairman, Vice-Chairman or any member of the Commission may exercise the powers and shall perform such duties vested in or imposed upon the Commission by this Act or the regulations as are assigned to him by the Commission.

Eligibility
to sit on
hearing

(3) Where the person who exercises the powers and performs the duties vested in the Commission by sections 11 to 17 pursuant to an assignment under subsection 2, receives the report of an investigation ordered under section 11 and on the basis of such report issues an *ex parte* order or a direction that proceedings be instituted by the Commission under section 26, 71, 126 or 127 such person shall not sit on the hearing required to be held by the Commission except with the written consent of the party directly affected by the proceedings.

Review

(4) Every decision made pursuant to an assignment under subsection 2 is subject to review by the Commission under section 8 in the same manner as if it had been made by the Director, and the person who made the decision shall not sit on the hearing and review thereof by the Commission. R.S.O. 1970, c. 426, s. 3, *amended*.

PART II

FINANCIAL DISCLOSURE ADVISORY BOARD

Financial
Disclosure
Advisory
Board

4.—(1) The Financial Disclosure Advisory Board established under *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, is continued and shall be composed of not more than five members appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may designate one of the members to be chairman.

Meetings

(2) The Financial Disclosure Advisory Board shall meet at the call of the Commission.

(3) The Financial Disclosure Advisory Board shall, when ^{Duties} requested by the Commission, consult with and advise the Commission concerning the financial disclosure requirements of this Act and the regulations.

(4) The members of The Financial Disclosure Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary expenses, as certified by the chairman, for attending at meetings and transacting the business of the Board. R.S.O. 1970, c. 426, s. 146, *amended*. ^{Remuneration}

PART III

APPOINTMENT OF EXPERTS

5.—(1) The Commission may appoint one or more experts ^{Appointment of experts} to assist the Commission in such manner as it may consider expedient.

(2) The Commission may submit any agreement, prospectus, ^{Submissions to experts} financial statement, report or other document to one or more experts appointed under subsection 1 for examination, and the Commission has the like power to summon and enforce the attendance of witnesses before the expert and to compel them to produce documents, records and things as is vested in the Commission, and subsections 3 and 4 of section 11 apply *mutatis mutandis*.

(3) An expert appointed under subsection 1 shall be paid ^{Payment of experts} such amounts for services and expenses as the Lieutenant Governor in Council may determine. *New*.

PART IV

THE DIRECTOR

6. The Director may exercise the powers and shall perform ^{Director} the duties vested in or imposed upon him by this Act, and he may exercise the powers and shall perform the duties vested in or imposed upon the Commission by this Act or the regulations that are assigned to him by the Commission except those referred to in section 8 and sections 11 to 17

and, subject to the direction of the Commission, he is the chief administrative officer of the Commission. R.S.O. 1970, c. 426, s. 4.

Refunds

7. Where,

(a) an application for registration or renewal of registration is abandoned; or

(b) a preliminary prospectus or prospectus is withdrawn,

the Director may, upon the application of the person or company who made the application or filed the preliminary prospectus or prospectus, recommend to the Treasurer of Ontario that a refund of the fee paid on the making of the application or the filing of the preliminary prospectus or prospectus or such part thereof as he considers fair and reasonable be made, and the Treasurer may make such refund from the Consolidated Revenue Fund. R.S.O. 1970, c. 426, s. 17.

PART V

ADMINISTRATIVE PROCEEDINGS, REVIEWS AND APPEALS

Notification
of decision

8.—(1) The Director shall forthwith notify the Commission of every decision refusing registration under section 25 or refusing to issue a receipt for a prospectus under section 62 and the Commission may within thirty days of the decision notify the Director and any person or company directly affected of its intention to convene a hearing to review the decision. *New.*

Review
of Director's
decisions

(2) Any person or company directly affected by a decision of the Director may, by notice in writing sent by registered mail to the Commission within thirty days after the mailing of the notice of the decision, request and be entitled to a hearing and review thereof by the Commission.

Power on
review

(3) Upon a hearing and review, the Commission may by order confirm the decision under review or make such other decision as the Commission considers proper. R.S.O. 1970, c. 426, s. 28; 1971, c. 31, s. 5.

(4) Notwithstanding that a person or company requests ^{Stay} a hearing and review under subsection 2 of this section or subsection 4 of section 3, the decision under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review. 1973, c. 11, s. 1.

9.—(1) Any person or company directly affected by a ^{Appeal} decision of the Commission, other than a decision under section 75, may appeal to the Supreme Court.

(2) Notwithstanding that an appeal is taken under this ^{Stay} section, the decision appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal.

(3) The Secretary shall certify to the Registrar of the ^{Certification of documents} Supreme Court,

(a) the decision that has been reviewed by the Commission;

(b) the decision of the Commission, together with any statement of reasons therefor;

(c) the record of the proceedings before the Commission; and

(d) all written submissions to the Commission or other material that is relevant to the appeal.

(4) The Minister is entitled to be heard by counsel or ^{Minister entitled to appear} otherwise upon the argument of an appeal under this section.

(5) Where an appeal is taken under this section, the court ^{Powers of court on appeal} may by its order direct the Commission to make such decision or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such decision or do such act accordingly.

(6) Notwithstanding an order of the court, on an appeal, ^{Further decisions} the Commission may make any further decision upon new material or where there is a significant change in the

circumstances, and every such decision is subject to this section. 1973, c. 11, s. 2, *amended*.

Secretary

10.—(1) There shall be a Secretary to the Commission who may,

- (a) accept service of all notices or other documents on behalf of the Commission;
- (b) when authorized by the Commission, sign any decision made by the Commission as a result of a hearing;
- (c) certify under his hand any decision made by the Commission or any document, record or thing used in connection with any hearing by the Commission where certification is required for a purpose other than that stated in subsection 3 of section 9; and
- (d) exercise such other powers as are vested in him by this Act or the regulations and perform such other duties as are imposed upon him by this Act or the regulations or by the Commission.

Acting
Secretary

(2) Where the Secretary is absent for any reason, the Commission may designate another individual to act in the capacity of Secretary and the individual designated may exercise all the powers vested in the Secretary by this Act or the regulations.

Certification
by Secretary

(3) A certificate purporting to be signed by the Secretary is, without proof of the office or signature certifying, admissible in evidence, so far as is relevant, for all purposes in any action, proceeding or prosecution. *New*.

PART VI

INVESTIGATIONS

Investigation
order

11.—(1) Where upon a statement made under oath it appears probable to the Commission that any person or company has,

- (a) contravened any of the provisions of this Act or the regulations; or

- (b) committed an offence under the *Criminal Code* (Canada) in connection with a trade in securities,

the Commission may, by order, appoint any person to make such investigation as it deems expedient for the due administration of this Act, and in the order shall determine and prescribe the scope of the investigation.

(2) The Commission may, by order, appoint any person ^{Investigation order} to make such investigation as it deems expedient for the due administration of this Act or into any matter relating to trading in securities, and in such order shall determine and prescribe the scope of the investigation.

(3) For the purposes of any investigation ordered under ^{Scope of investigation} this section, the person appointed to make the investigation may investigate, inquire into and examine,

(a) the affairs of the person or company in respect of whom the investigation is being made and any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with the person or company and any property, assets or things owned, acquired or alienated in whole or in part by the person or company or by any person or company acting on behalf of or as agent for the person or company; and

(b) the assets at any time held, the liabilities, debts, undertakings and obligations at any time existing, the financial or other conditions at any time prevailing in or in relation to or in connection with the person or company and the relationship that may at any time exist or have existed between the person or company and any other person or company by reason of investments, commissions promised, secured or paid, interests held or acquired, the loaning or borrowing of money, stock or other property, the transfer, negotiation or holding of stock, interlocking directorates, common control, undue influence or control or any other relationship.

(4) The person making an investigation under this section ^{Powers to summon witnesses and require production} has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court for the trial of civil actions, and the failure or refusal of a person to attend, to answer

R.S.O. 1970,
c. 151

questions or to produce such documents, records and things as are in his custody or possession makes the person liable to be committed for contempt by a judge of the Supreme Court as if in breach of an order or judgment of the Supreme Court provided that no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operation of this section.

Counsel

(5) A person giving evidence at an investigation under this section may be represented by counsel.

Seizure
of property

(6) Where an investigation is ordered under this section, the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person or company whose affairs are being investigated.

Inspection
of seized
documents

(7) Where any documents, records, securities or other property are seized under subsection 6, the documents, records, securities or other property shall be made available for inspection and copying by the person or company from whom seized at a mutually convenient time and place if a request for an opportunity to inspect or copy is made by the person or company to the person appointed to make the investigation.

Accountants
and experts

(8) Where an investigation is ordered under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters of the person or company whose affairs are being investigated. R.S.O. 1970, c. 426, s. 21 (1-8).

Report of
Investigation

(9) Every person appointed under subsection 1, 2 or 8 shall provide the Commission with a full and complete report of the investigation including any transcript of evidence and material in his possession relating to the investigation. R.S.O. 1970, c. 426, s. 21 (9), *amended*.

Report to
Minister

12. Where upon the report of an investigation made under section 11 it appears to the Commission that any person or company may have,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to securities,

the Commission shall send a full and complete report of the investigation, including the report made to it, any transcript

of evidence and any material in the possession of the Commission relating thereto, to the Minister. R.S.O. 1970, c. 426, s. 22.

13. Notwithstanding section 11, the Minister may, by order, ^{Investigation by order of Minister} appoint any person to make such investigation as the Minister considers expedient for the due administration of this Act or into any matter relating to trading in securities, in which case the person so appointed, for the purposes of the investigation, has the same authority, powers, rights, and privileges as a person appointed under section 11. R.S.O. 1970, c. 426, s. 23.

14. No person, without the consent of the Commission, ^{Evidence not to be disclosed} shall disclose, except to his counsel, any information or evidence obtained or the name of any witness examined or sought to be examined under section 11 or 13.

15. Where an investigation has been made under section ^{Report to Minister} 11, the Commission may, and, where an investigation has been made under section 13, the person making the investigation shall report the result thereof, including the evidence, findings, comments and recommendations, to the Minister, and the Minister may cause the report to be published in whole or in part in such manner as he considers proper. R.S.O. 1970, c. 426, s. 25.

16.—(1) The Commission may,

^{Order to freeze property}

- (a) where it is about to order an investigation in respect of a person or company under section 11 or during or after an investigation in respect of a person or company under section 11 or 13;
- (b) where it is about to make or has made an order under section 126 that trading in securities of an issuer shall cease;
- (c) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities; or
- (d) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company, that in the opinion of the Commission are connected with or arise out of any

security or any trade therein, or out of any business conducted by the person or company,

in writing or by telegram direct any person or company having on deposit or under control or for safekeeping any funds or securities of the person or company referred to in clause *a, b, c* or *d* to hold such funds or securities or direct the person or company referred to in clause *a, b, c* or *d* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, the *Winding-up Act* (Canada) or section 17 of this Act, or until the Commission in writing revokes the direction or consents to release any particular fund or security from the direction, provided that no such direction applies to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless the direction expressly so states, and in the case of a bank, loan or trust company, the direction applies only to the offices, branches or agencies thereof named in the direction.

R.S.C. 1970,
cc. B-3, W-10,
R.S.O. 1970,
cc. 228, 89, 53

Application
for
directions

(2) Any person or company named in a direction issued under subsection 1 may, if in doubt as to the application of the direction to particular funds or securities, apply to the Commission for an order of clarification. R.S.O. 1970, c. 426, s. 26 (1, 2), *amended*.

Revocation
or
amendment
of direction

(3) Upon the application of a person or company directly affected by a direction issued under subsection 1, the Commission may make an order on such terms and conditions it may impose revoking the direction or consenting to the release of any fund or security. *New*.

Notice to
land registry
offices

(4) In any of the circumstances mentioned in clause *a, b, c*, or *d* of subsection 1, the Commission may in writing or by telegram notify any land registrar or mining recorder that proceedings are being or are about to be taken that may affect land or mining claims belonging to the person or company referred to in the notice, which notice shall be registered or recorded against the lands or claims mentioned therein and has the same effect as the registration or recording of a certificate of *lis pendens* or a caution, and the Commission may in writing revoke or modify the notice. R.S.O. 1970, c. 426, s. 26 (3), *amended*.

17.—(1) The Commission may,

Appointment
of receiver,
etc.

- (a) where it is about to order an investigation in respect of a person or company under section 11 or during or after an investigation in respect of a person or company under section 11 or 13;
- (b) where it is about to make or has made an order under section 126 that trading in securities of an issuer shall cease;
- (c) where it is about to make or has made a decision suspending or cancelling the registration of any person or company or affecting the right of any person or company to trade in securities;
- (d) where criminal proceedings or proceedings in respect of a contravention of this Act or the regulations are about to be or have been instituted against any person or company that in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by the person or company; or
- (e) where a person or company fails or neglects to comply with the minimum net asset requirements, investment restrictions, ownership restrictions, or capital requirements prescribed by the regulations for the person or company,

apply to a judge of the Supreme Court for the appointment of a receiver, receiver and manager, trustee or liquidator of the property of the person or company.

(2) Upon an application under subsection 1, the judge may, where he is satisfied that the appointment of a receiver, receiver and manager, trustee or liquidator of all or any part of the property of any person or company is in the best interests of the creditors of the person or company or of persons or companies any of whose property is in the possession or under the control of the person or company, or, in a proper case, of the security holders of or subscribers to the person or company, appoint a receiver, receiver and manager, trustee or liquidator of the property of the person or company. R.S.O. 1970, c. 426, s. 27 (1, 2), *amended*.

Appointment

(3) Upon an *ex parte* application made by the Commission under this section, the judge may make an order under subsection 2 appointing a receiver, receiver and manager, trustee or liquidator for a period not exceeding fifteen days. R.S.O. 1970, c. 426, s. 27 (3), *amended*.

Ex parte
application

Powers of
receiver, etc.

(4) A receiver, receiver and manager, trustee or liquidator of the property of any person or company appointed under this section shall be the receiver, receiver and manager, trustee or liquidator of all or any part of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, receiver and manager, trustee or liquidator shall have authority, if so directed by the judge, to wind up or manage the business and affairs of the person or company and all powers necessary or incidental thereto.

Enforcement
of order

(5) An order made under this section may be enforced in the same manner as any order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

Rules of
practice

(6) Upon an application made under this section, the rules of practice of the Supreme Court apply. R.S.O. 1970, c. 426, s. 27 (4-6), *amended*.

PART VII

AUDITS

Audits by
Commission

18.—(1) Notwithstanding anything in sections 19, 20 and 21, the Commission may in writing appoint any person to examine at any time,

(a) the financial affairs of a registrant or a reporting issuer; and

(b) the books and records of a custodian of assets of a mutual fund or of a custodian of shares or units of a mutual fund under a custodial agreement or other arrangement with a person or company engaged in the distribution of shares or units of the mutual fund,

and prepare such financial or other statements and reports that may be required by the Commission.

Access to
records

(2) The person making an examination under this section may inquire into and examine all books of account, securities, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person or company whose financial affairs are being examined, and no person or company shall withhold, destroy, conceal or refuse to give any information or thing reasonably required for the purpose of the examination.

Fees

(3) The Commission may charge such fees as may be prescribed by the regulations for any examination made under this section. R.S.O. 1970, c. 426, s. 33, *amended*.

PART VIII

SELF-REGULATION—GENERALLY

19. Every stock exchange in Ontario recognized by the Commission, the Ontario District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario, shall,

Panel of
auditors

- (a) select a panel of auditors, each of whom shall have practised as such in Ontario for not fewer than five years and shall be known as a panel auditor or members' auditor; and
- (b) employ an exchange auditor, district association auditor or association auditor, as the case may be, whose appointment is subject to the approval of the Commission, and the appointee shall be an auditor who has practised as such in Ontario for not fewer than ten years. R.S.O. 1970, c. 426, s. 30.

20.—(1) Every stock exchange in Ontario recognized by the Commission, the Ontario District of the Investment Dealers' Association of Canada and the Broker-Dealers' Association of Ontario shall cause each member of such class or classes of their members as the Commission may designate in writing to appoint an auditor from the panel of auditors selected under clause *a* of section 19 and such auditor shall make the examination of the financial affairs of such member as called for by the by-laws, rules or regulations applicable to members of such class or classes and shall report thereon to the exchange auditor, district association auditor or association auditor, as the case may be.

Audits by
stock
exchange and
associations

(2) The by-laws, rules and regulations of every stock exchange in Ontario recognized by the Commission, the rules and regulations of the Ontario District of the Investment Dealers' Association of Canada and the regulations of the Broker-Dealers' Association of Ontario in respect of the practice and procedure of the examinations under subsection 1 are subject to the approval of the Commission and the actual conduct of the examinations shall be satisfactory to the Commission. R.S.O. 1970, c. 426, s. 31.

Audit by-laws
subject to
approval

21. Every registrant whose financial affairs are not subject to examination under section 20 shall keep such books and records as are necessary for the proper recording of his business transactions and financial affairs and shall deliver to the Commission annually and at such other time or times as the Commission may require a financial statement

Filing of
financial
statements of
registrants

satisfactory to the Commission as to his financial position, certified by the registrant or an officer or partner of the registrant and reported upon by the auditor of the registrant, and shall deliver to the Commission such other information as the Commission may require in such form as it may prescribe. R.S.O. 1970, c. 426, s. 32.

PART IX

STOCK EXCHANGES

Stock
exchanges

22.—(1) No person or company shall carry on business as a stock exchange in Ontario unless such stock exchange is recognized in writing as such by the Commission.

Commission's
powers

(2) The Commission may, where it appears to it to be in the public interest, make any decision,

- (a) with respect to the manner in which any stock exchange in Ontario carries on business;
- (b) with respect to any by-law, ruling, instruction, or regulation of any such stock exchange;
- (c) with respect to trading on or through the facilities of any such stock exchange or with respect to any security listed and posted for trading on any such stock exchange; or
- (d) to ensure that issuers whose securities are listed and posted for trading on any such stock exchange comply with this Act and the regulations.

Review of
decisions of
stock
exchange

(3) Any person or company directly affected by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 8 applies to the hearing and review in the same manner as to the hearing and review of a decision of the Director. R.S.O. 1970, c. 426, s. 140.

Record of
transactions

23. Every stock exchange in Ontario shall keep a record showing the time at which each transaction on such stock exchange took place and shall supply to any customer of any member of such stock exchange, upon production of a written confirmation of any transaction with such member, particulars of the time at which the transaction took place and verification or otherwise of the matters set forth in the confirmation. R.S.O. 1970, c. 426, s. 141.

PART X

REGISTRATION

24.—(1) No person or company shall,

Registration
for trading

- (a) trade in a security unless the person or company is registered as a dealer, or is registered as a salesman or as a partner or as an officer of a registered dealer and is acting on behalf of the dealer;
- (b) act as an underwriter unless the person or company is registered as an underwriter;
- (c) act as an adviser unless the person or company is registered as an adviser, or is registered as a partner or as an officer of a registered adviser and is acting on behalf of the adviser;
- (d) act as a mutual fund unless the person or company is registered as a mutual fund;
- (e) act as a management company unless the person or company is registered as a management company;
or
- (f) act as a contractual plan service company unless the person or company is registered as a contractual plan service company,

and the registration has been made in accordance with this Act and the regulations and the person or company has received written notice of the registration from the Director and, where the registration is subject to terms and conditions, the person or company complies with such terms and conditions. R.S.O. 1970, c. 426, s. 6 (1).

(2) The termination of the employment of a salesman with a registered dealer shall operate as a suspension of the registration of the salesman until notice in writing has been received by the Director from another registered dealer of the employment of the salesman by the other registered dealer and the reinstatement of the registration has been approved by the Director.

Termination
re salesman

**Non-trading
employee**

(3) The Director may designate as non-trading any employee or class of employees of a registered dealer that does not usually sell securities, but the designation may be cancelled as to any employee or class of employees where the Director is satisfied that any such employee or any member of such class of employees should be required to apply for registration as a salesman. R.S.O. 1970, c. 426, s. 6 (4, 5).

**Granting of
registration**

25.—(1) The Director shall grant registration, renewal of registration, reinstatement of registration or amendment to registration to an applicant where in the opinion of the Director the applicant is suitable for registration and the proposed registration or amendment to registration is not objectionable. R.S.O. 1970, c. 426, s. 7 (1), *amended*.

**Terms and
conditions**

(2) The Director may in his discretion restrict a registration by imposing terms and conditions thereon and, without limiting the generality of the foregoing, may restrict the duration of a registration and may restrict the registration to trades in certain securities or a certain class of securities. R.S.O. 1970, c. 426, s. 7 (3).

Refusal

(3) The Director shall not refuse to grant, renew, reinstate or amend registration or impose terms and conditions thereon without giving the applicant an opportunity to be heard. R.S.O. 1970, c. 426, s. 7 (2).

**Suspension,
cancellation,
etc.**

26.—(1) The Commission, after giving a registrant an opportunity to be heard, may suspend, cancel, restrict or impose terms and conditions upon the registration or reprimand the registrant where in its opinion such action is in the public interest.

**Interim
suspension**

(2) Where the delay necessary for a hearing under subsection 1 would, in the opinion of the Commission, be prejudicial to the public interest, the Commission may suspend the registration without giving the registrant an opportunity to be heard, in which case it shall forthwith notify the registrant of the suspension and of a hearing and review to be held before the Commission within fifteen days of the date of the suspension, which hearing and review shall be deemed to be a hearing and review under section 8. R.S.O. 1970, c. 426, s. 8, *amended*.

Surrender

(3) Notwithstanding subsection 1, the Commission may, upon an application by a registrant, accept, subject to such terms and conditions as it may impose, the voluntary surrender of the registration of the registrant where it is satisfied the financial obligations of the registrant to its clients have been discharged and the surrender of the registration would not be prejudicial to the public interest. *New.*

27. A further application for registration may be made ^{Subsequent applications} upon new or other material or where it is clear that material circumstances have changed. R.S.O. 1970, c. 426, s. 9.

28. An application for registration shall be made in ^{Application} writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations. R.S.O. 1970, c. 426, s. 10.

29. Every applicant shall state in the application an address ^{Address for service} for service in Ontario and, except as otherwise provided in this Act, all notices under this Act or the regulations are sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. R.S.O. 1970, c. 426, s. 11.

30. The Director may require any further information or ^{Further information} material to be submitted by an applicant or a registrant within a specified time and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require the applicant or the registrant or any partner, officer, director, governor or trustee of, or any person performing a like function for, or any employee of, the applicant or of the registrant to submit to examination under oath by a person designated by the Director. R.S.O. 1970, c. 426, s. 12, *amended*.

31.—(1) The Director may refuse registration to an ^{Residence} individual if he has not been a resident of Canada for at least one year immediately prior to the date of application for registration and if he is not a resident of Ontario at the date of the application unless at the time of the application the individual is registered in a capacity corresponding to that of a dealer, adviser, underwriter, mutual fund, management company, contractual plan service company, partner, officer, or salesman under the securities laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration.

(2) The Director may refuse registration to a person or ^{Idem} company if any director or officer of the person or company has not been a resident of Canada for at least one year immediately prior to the date of application for registration and is not a resident of Ontario at the date

of the application unless at the time of the application he is registered in a capacity corresponding to that of a dealer, adviser, underwriter, mutual fund, management company, contractual plan service company, partner, officer or salesman under the securities laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is, in the opinion of the Director, otherwise suitable for registration. R.S.O. 1970, c. 426, s. 14, *amended*.

Notice of
changes

32.—(1) Every registered dealer shall, within five days of the event, notify the Director in the form prescribed by the regulations of,

- (a) any change in address for service in Ontario or any business address;
- (b)
 - (i) any change in the directors or officers of the registered dealer and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and
 - (ii) any change in the holders of the voting securities of the registered dealer;
- (c) the commencement and termination of employment of every salesman and, in the case of termination of employment, the reason therefor;
- (d) the opening or closing of any branch office in Ontario and, in the case of the opening of any branch office in Ontario, the name and address of the person in charge thereof; and
- (e) any change in the name or address of the person in charge of any branch office in Ontario.

Idem

(2) Every registered adviser, underwriter, mutual fund, management company, and contractual plan service company shall, within five days of the event, notify the Director in the form prescribed by the regulations of,

- (a) any change in address for service in Ontario or any business address; and
- (b)
 - (i) any change in the directors or officers of the registered adviser, underwriter, mutual fund, management company or contractual plan service company and in the case of resignation, dismissal, severance or termination of employment or office, the reason therefor, and

- (ii) any change in the holders of the voting securities of the registered adviser, underwriter, mutual fund, management company or contractual plan service company.

(3) Every registered salesman shall, within five days of the ^{idem} event, notify the Director in the form prescribed by the regulations of,

- (a) any change in his address for service in Ontario or in his business address; and
- (b) every commencement and termination of his employment by a registered dealer.

(4) The Director may, upon an application of a registrant ^{Exemptions} that is a reporting issuer, exempt, subject to such terms and conditions as he may impose, the registrant from the requirement of subsections 1 and 2 that the Director be notified of any change in the holders of voting securities of the registrant where in his opinion it would not be prejudicial to the public interest to do so. R.S.O. 1970, c. 426, s. 15, *amended*.

PART XI

EXEMPTIONS FROM REGISTRATION REQUIREMENTS

33. Registration as an adviser is not required to be ^{Exemptions of advisers} obtained by,

- (a) a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), or a trust company registered under *The Loan and Trust Corporations Act*, or an insurance company licensed under *The Insurance Act*; ^{R.S.C. 1970, c. B-1, 1974-75, c. 14 (Can.)}
- (b) a lawyer, accountant, engineer or teacher;
- (c) a registered dealer, or any partner, officer or employee thereof; and
- (d) a publisher of or any writer for any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no

commission or other consideration for giving the advice,

where the performance of the service as an adviser is solely incidental to their principal business or occupation; or

(e) a management company; or

(f) such other persons or companies as are designated by the regulations. R.S.O. 1970, c. 426, s. 18, *amended*.

Exemptions
of mutual
funds

34. Registration as a mutual fund is not required to be obtained by,

(a) an investment club if,

- i. its shares or units are held by not more than fifty persons,
- ii. it does not pay or give any remuneration under a management contract or in respect of any trade in securities except normal brokerage fees, and
- iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of investment;

R.S.O. 1970,
c. 254

(b) a trust company registered under *The Loan and Trust Corporations Act* that issues securities in respect of,

- i. a pooled fund maintained solely to serve its registered retirement savings plans, registered home ownership savings plans, or other savings plans registered under the *Income Tax Act* (Canada),
- ii. a common trust fund as defined by subsection 1 of section 85 of *The Loan and Trust Corporations Act*, or
- iii. a pooled fund maintained by a trust company in which moneys belonging to various trusts in its care are commingled with the authority of the settlor, testator or trustee for the purpose of facilitating investment;

1970-71,
c. 68 (Can.)

R.S.O. 1970,
c. 224

(c) an insurance company licensed under the *Insurance Act*;

- (d) such other persons or companies as are designated by the regulations. *New.*

35.—(1) Subject to the regulations, registration is not required in respect of the following trades: Exemption
of trades

1. A trade by an executor, administrator, guardian or committee or by an authorized trustee or assignee, an interim or official receiver or a custodian under the *Bankruptcy Act* (Canada) or by a receiver under *The Judicature Act* or by a liquidator under *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or at a judicial sale. R.S.C. 1970,
cc. B-3, W-10
R.S.O. 1970,
cc. 228, 89, 53
2. An isolated trade in a specific security by or on behalf of an owner or issuer, for the owner's or issuer's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.
3. A trade where the party purchasing as principal is,
 - i. a bank to which the *Bank Act* (Canada) applies, or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), R.S.C. 1970,
c. B-1,
1974-75,
c. 14 (Can.)
 - ii. a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, R.S.O. 1970,
c. 254
 - iii. an insurance company licensed under *The Insurance Act*, R.S.O. 1970,
c. 224
 - iv. Her Majesty in right of Canada or any province or territory of Canada, or
 - v. any municipal corporation or public board or commission in Canada.
4. A trade where the party purchasing as principal is a company or a person, other than an individual, and is recognized by the Commission as an exempt purchaser.
5. A trade where the purchaser purchases as principal, if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than \$97,000.

6. A trade from the holdings of any person, company or combination of persons or companies described in subparagraph iii of paragraph 12 of subsection 1 of section 1 for the purpose of giving collateral for a *bona fide* debt.
7. A trade by or for the account of a pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as collateral for the debt.
8. A trade in a security that may occasionally be transacted by employees of a registered dealer where the employees do not usually sell securities and have been designated by the Director as non-trading employees, either individually or as a class.
9. A trade between a person or company and an underwriter acting as purchaser or between or among underwriters.
10. A trade in a security by a person or company,
 - (a) acting solely through an agent who is a registered dealer; or
 - (b) who places an unsolicited order to purchase or sell with,
 - i. a bank to which the *Bank Act* (Canada) applies, or
 - ii. a trust company registered under *The Loan and Trust Corporations Act*,

for execution through an agent who is a registered dealer.
11. A trade by an issuer,
 - i. in a security of its own issue that is distributed by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,
 - ii. in a security whether of its own issue or not that is distributed by it to holders of its

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 254

securities as incidental to a *bona fide* re-organization or winding up of such issuer or distribution of its assets for the purpose of winding up its affairs pursuant to the laws of the jurisdiction in which the issuer is incorporated, organized or continued,

- iii. in a right, transferable or otherwise, granted by the issuer to holders of its securities to purchase additional securities of its own issue and the issue of securities pursuant to the exercise of the right if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed sale, including the approximate net proceeds to be derived by the issuer on the basis of such additional securities being fully taken up and paid for, and either,
 - (a) the Commission has not informed the issuer in writing within ten days of the giving of the notice that it objects to the proposed trade; or
 - (b) the issuer has delivered to the Commission information relating to the security that is satisfactory to, and accepted by, the Commission, or
- iv. in securities of its own issue, or those of a reporting issuer held by it, transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

provided that, with respect to any trade referred to in subparagraph i or ii, no commission or other remuneration is paid or given to others in respect of the distribution except for ministerial or professional services or for services performed by a registered dealer.

- 12. A trade in a security of a company that is exchanged by or for the account of the company with another company or the holders of the securities of that other company in connection with,

- (a) a statutory amalgamation or arrangement; or

- (b) a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge into a new company.
- 13. A trade in a security of a company that is exchanged by or for the account of the company with the security holders of another company in connection with a take-over bid as defined in Part XIX.
- 14. A trade in a security of an issuer in connection with a take-over bid exempted from the requirements of Part XIX by subsection 2 of section 90.
- 15. A trade by an issuer in a security of its own issue as consideration for a portion or all of the assets of any person or company, if the fair value of the assets so purchased is not less than \$100,000.
- 16. A trade by an issuer in the securities of its own issue with its employees or the employees of an affiliate who are not induced to purchase by expectation of employment or continued employment.
- 17. A trade made between an issuer in securities of its own issue and not more than twenty-five purchasers or made between such purchasers if each of the following requirements is satisfied,
 - i. each purchaser purchases as principal,
 - ii. each purchaser,
 - (a) is an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a registered adviser, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him by the issuer or has access to substantially the same information concerning the issuer which the filing of a prospectus under this Act would provide; or
 - (b) is a senior officer or director of the issuer or his spouse, parent, brother, sister, or child,

- iii. the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer,
 - iv. solicitations in respect of the securities have not been made to more than fifty prospective purchasers, and
 - v. there are not more than twenty-five beneficial owners of securities as a result of trades pursuant to this exemption.
18. A trade in a commodity futures option or a commodity futures contract where such trade is a *bona fide* hedging transaction within the meaning of *The Commodity Futures Act, 1977*. 1977, c. . . .
19. A trade in respect of which the regulations provide that registration is not required.
- (2) Subject to the regulations, registration is not required Exemption
re securities
to trade in the following securities:
- 1. Bonds, debentures or other evidences of indebtedness,
 - (a) of or guaranteed by the Government of Canada or any province of Canada or by the Government of the United Kingdom or any foreign country or any political division thereof;
 - (b) of any municipal corporation in Canada, including debentures issued for public, separate, secondary or vocational school purposes, or guaranteed by any municipal corporation in Canada, or secured by or levied under the law of any province of Canada on property in such province and collectable by or through the municipality in which such property is situated;
 - (c) of or guaranteed by a bank to which the *Bank Act* (Canada) applies, a trust company or loan corporation registered under *The Loan and Trust Corporations Act* or an insurance company licensed under *The Insurance Act*; R.S.C. 1970,
c. B-1
R.S.O. 1970,
cc. 254, 224
or
 - (d) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an Inter-

R.S.C. 1970,
c. B-9

national Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures, or evidences of indebtedness are payable in the currency of Canada or the United States of America.

R.S.O. 1970,
c. 224

2. Contracts of insurance issued by an insurance company licensed under *The Insurance Act* other than variable contracts that do not guarantee to return on the termination of the policy an amount equal to at least three-quarters of the premiums paid to the date of termination.

R.S.O. 1970,
c. 254

3. Certificates or receipts issued by a trust company registered under *The Loan and Trust Corporations Act* for moneys received for guaranteed investment.

4. Securities issued by a trust company registered under *The Loan and Trust Corporations Act* in respect of,

1970-71,
c. 63 (Can.)

- (a) a pooled fund maintained solely to serve its registered retirement savings plans, registered home ownership savings plans, or other savings plans registered under the *Income Tax Act* (Canada);

- (b) a common trust fund as defined by subsection 1 of section 85 of *The Loan and Trust Corporations Act*; or

- (c) a pooled fund maintained by a trust company in which moneys belonging to various trusts in its care are commingled with the authority of the settlor, testator or trustee for the purpose of facilitating investment.

5. Securities issued by an investment club if,

- (a) its shares or units are held by not more than fifty persons;

- (b) it does not pay or give any remuneration under a management contract or in respect of a trade in securities except normal brokerage fees; and

- (c) all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of investment.
6. Negotiable promissory notes or commercial paper maturing not more than one year from the date of issue, provided that each such note or commercial paper traded to an individual has a denomination or principal amount of not less than \$50,000.
 7. Mortgages or other encumbrances upon real or personal property, other than mortgages or other encumbrances contained in or secured by a bond, debenture or similar obligation or in a trust deed or other instrument to secure bonds or debentures or similar obligations, if such mortgages or other encumbrances are offered for sale by a person or company registered or exempted from registration under *The Mortgage Brokers Act*. R.S.O. 1970,
c. 278
 8. Securities evidencing indebtedness due under any conditional sales contract or other title retention contract providing for the acquisition of personal property if such securities are not offered for sale to an individual.
 9. Securities issued by an issuer organized exclusively for educational, benevolent, fraternal, charitable, religious or recreational purposes and not for profit, where no part of the net earnings of such issuer enure to the benefit of any security holder and no commission or other remuneration is paid in connection with the sale thereof.
 10. Securities issued by corporations to which *The Co-operative Corporations Act, 1973* applies. 1973, c. 101
 11. Shares of a credit union within the meaning of *The Credit Unions Act*. R.S.O. 1970,
c. 96
 12. Securities of a private company where they are not offered for sale to the public.
 13. Securities issued and sold by a prospector for the purpose of financing a prospecting expedition.

14. Securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XIII for which the Director has issued a receipt, where the securities are sold by the prospector or one of the prospectors who staked claims that belong to or are the subject of a declaration of trust in favour of the prospecting syndicate, and the prospector delivers the copy of the prospecting syndicate agreement to the person or company purchasing the security before accepting payment therefor.
15. Securities issued by a prospecting syndicate that has filed a prospecting syndicate agreement under Part XIII for which the Director has issued a receipt, if the securities are not offered for sale to the public and are sold to not more than fifty persons or companies.
16. Securities issued by a mining company or a mining exploration company as consideration for mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary.
17. Securities in respect of which the regulations provide that registration is not required. R.S.O. 1970, c. 426, s. 19 (1, 2); 1971, c. 31, s. 3, *amended*.

Trades
by trust
company
R.S.O. 1970,
c. 254

(3) For the purpose of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it. *New*.

PART XII

TRADING IN SECURITIES GENERALLY

Confirmation
of trade

36.—(1) Every registered dealer who has acted as principal or agent in connection with any trade in a security shall promptly send by prepaid mail or deliver to the customer a written confirmation of the transaction, setting forth,

- (a) the quantity and description of the security;
- (b) the consideration;

- (c) whether or not the registered dealer is acting as principal or agent;
 - (d) if acting as agent in a trade, the name of the person or company from or to or through whom the security was bought or sold;
 - (e) the date and the name of the stock exchange, if any, upon which the transaction took place;
 - (f) the commission, if any, charged in respect of the trade; and
 - (g) the name of the salesman, if any, in the transaction.
- R.S.O. 1970, c. 426, s. 67 (1).

(2) Where a trade is made in a security of a mutual fund, ^{Idem} the confirmation shall contain, in addition to the requirements of subsection 1,

- (a) the price per share or unit at which the trade was effected; and
- (b) the amount deducted by way of sales, service and other charges.

(3) Where a trade is made in a security of a mutual fund ^{Idem} under a contractual plan, the confirmation shall contain in addition to the requirements of subsections 1 and 2,

- (a) in respect of an initial payment made under a contractual plan which requires the prepayment of sales, service and other charges, a statement of the initial payment and the portion of the sales, service and other charges that is allocated to subsequent investments in the mutual fund and the manner of allocation thereof;
- (b) in respect of each subsequent payment made under a contractual plan which requires the prepayment of sales, service and other charges, a statement of the portion of the sales, service and other charges, that is allocated to the payment which is the subject of the confirmation;
- (c) in respect of an initial purchase made under a contractual plan which permits the deduction of sales,

service and other charges from the first and subsequent instalments, a brief statement of the sales, service and other charges to be deducted from subsequent purchases;

- (d) in respect of each purchase made under a contractual plan, a statement of the total number of shares or units of the mutual fund acquired and the amount of sales charges paid under the contractual plan up to the date the confirmation is sent or delivered. *New.*

Coded
identification

- (4) For the purposes of clauses *d* and *g* of subsection 1, a person or company or a salesman may be identified in a written confirmation by means of a code or symbols if the written confirmation also contains a statement that the name of the person, company or salesman will be furnished to the customer on request.

Filing
of code

- (5) Where a person or company uses a code or symbols for identification in a confirmation under subsection 1, the person or company shall forthwith file the code or symbols and their meaning, and shall notify the Commission within five days of any change in or addition to the code or symbols or their meaning. R.S.O. 1970, c. 426, s. 67 (2, 3).

Disclosure
by agent

- (6) Every dealer who has acted as agent in connection with any trade in a security shall promptly disclose to the Commission, upon request by the Commission, the name of the person or company from or to or through whom the security was bought or sold. R.S.O. 1970, c. 426, s. 67 (4), *amended*.

Order
prohibiting
calls to
residences

- 37.—**(1) The Director may, by order, suspend, cancel, restrict or impose terms and conditions upon the right of any person or company named in the order to,

(a) call at any residence; or

(b) telephone from within Ontario to any residence within or outside Ontario,

for the purpose of trading in any security. R.S.O. 1970, c. 426, s. 68 (1), *amended*.

Hearing

- (2) The Director shall not make an order under subsection 1 without giving the person or company affected an opportunity to be heard. *New.*

(3) In this section, "residence" includes any building or part of a building in which the occupant resides either permanently or temporarily and any premises appurtenant thereto. ^{"residence" defined}

(4) For the purposes of this section, a person or company shall be deemed conclusively to have called or telephoned where an officer, director or salesman of the person or company calls or telephones on its behalf. R.S.O. 1970, c. 426, s. 68 (3, 4). ^{What constitutes calls}

38.—(1) No person or company, with the intention of effecting a trade in a security, other than a security that carries an obligation of the issuer to redeem or purchase, or a right of the owner to require redemption or purchase, shall make any representation, written or oral, that he or any person or company, ^{Representations prohibited}

(a) will resell or repurchase; or

(b) will refund all or any of the purchase price of,

such security.

(2) No person or company, with the intention of effecting a trade in a security, shall give any undertaking, written or oral, relating to the future value or price of such security. ^{Future value}

(3) No person or company, with the intention of effecting a trade in a security, shall, except with the written permission of the Director, make any representation, written or oral, that such security will be listed on any stock exchange or that application has been or will be made to list such security upon any stock exchange. ^{Listing}

(4) This section does not apply to any representation referred to in subsection 1 made to a person, other than an individual, or to a company where the representation is contained in a written agreement signed by the person or company intending to effect a trade in a security and the security has an aggregate acquisition cost of more than \$50,000. R.S.O. 1970, c. 426, s. 69. ^{Application of section}

39.—(1) Where a registered dealer, with the intention of effecting a trade in a security with any person or company other than another registered dealer, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in the trade as a principal, the registered dealer shall so state in the circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into ^{Where dealer is principal}

a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any such contract. R.S.O. 1970, c. 426, s. 70 (1).

Effect of
statement

(2) A statement made in compliance with this section or clause *c* of subsection 1 of section 36 that a dealer proposes to act or has acted as principal in connection with a trade in a security does not prevent such dealer from acting as agent in connection with a trade of such security.

Application
of section

(3) This section does not apply to trades referred to in subsection 1 of section 35 or to securities referred to in subsection 2 of section 35. R.S.O. 1970, c. 426, s. 70 (3, 4).

Disclosure of
financial
interest of
advisers and
dealers

40. Every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent out by him, in which the adviser recommends that a specific security be purchased, sold or held, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he or any partner, director, officer or a person or company that would be an insider of the adviser if the adviser was a reporting issuer may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof, including,

- (a) any ownership, beneficial or otherwise, that any of them may have in respect of such securities or in any securities issued by the same issuer;
- (b) any option that any of them may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration that any of them has received or may expect to receive from any person or company in connection with any trade in such securities;
- (d) any financial arrangement relating to such securities that any of them may have with any person or company; and
- (e) any financial arrangement that any of them may have with any underwriter or other person or company who has any interest in the securities. R.S.O. 1970, c. 426, s. 72, *amended*.

Idem

41. Every registered dealer, that recommends a purchase, sale, exchange or hold of a security in any circular, pamphlet,

advertisement, letter, telegram or other publication issued, published or sent by it shall, in type not less legible than that used in the body of the publication, state whether it has at any time during the past year acted as an underwriter of such securities or as a financial adviser to the issuer of such securities or is presently acting as a financial adviser to the issuer of such securities or whether it will receive any fees as a result of the recommended action. *New.*

42. Every registered dealer shall publish the name of every person or company having an interest, either directly or indirectly, to the extent of not less than 5 per cent in the capital of the dealer, on all letterheads, circulars and stationery that contain any offer or solicitation respecting a trade in securities or in a preliminary prospectus or prospectus upon or in which the name of the registered dealer appears as underwriter. R.S.O. 1970, c. 426, s. 73, *amended*. Publication of names

43. No registrant shall use the name of another registrant on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he is a partner, officer or agent of or is authorized so to do in writing by the other registrant. R.S.O. 1970, c. 426, s. 74. Use of name of another registrant

44. No person or company shall hold himself out as being registered by having printed in a circular, pamphlet, advertisement, letter, telegram or other stationery that he is registered. R.S.O. 1970, c. 426, s. 75. Registration not to be advertised

45. No person or company who is not registered shall, either directly or indirectly, hold himself out as being registered. R.S.O. 1970, c. 426, s. 76. Holding out by unregistered person

46. No person or company shall make any representation, written or oral, that the Commission has in any way passed upon the financial standing, fitness or conduct of any registrant or upon the merits of any security or issuer. R.S.O. 1970, c. 426, s. 77. Advertising approval by Commission

47.—(1) Where a person, or a partner or employee of a partnership, or a director, officer or employee of a company, after he or the partnership or company has contracted as a registered dealer with any customer to buy and carry upon margin any securities of any issuer either in Canada or elsewhere, and while such contract continues, sells or causes to be sold securities of the same issuer for any account in which, Margin contracts

(a) he;

(b) his firm or a partner thereof; or

(c) the company or a director thereof,

has a direct or indirect interest, if the effect of such sale would, otherwise than unintentionally, be to reduce the amount of such securities in the hands of the dealer or under his control in the ordinary course of business below the amount of such securities that the dealer should be carrying for all customers any such contract with a customer is, at the option of the customer, voidable, and the customer may recover from the dealer all moneys paid with interest thereon or securities deposited in respect thereof.

Exercise
of option

(2) The customer may exercise such option by a notice to that effect sent by prepaid mail addressed to the dealer at his address for service in Ontario. R.S.O. 1970, c. 426, s. 78.

Declaration
as to short
position

48. Any person or company who places an order for the sale of a security through an agent acting for him that is a registered dealer and, who,

(a) at the time of placing the order, does not own the security; or

(b) if acting as agent, knows his principal does not own the security,

shall, at the time of placing the order to sell, declare to his agent that he or his principal, as the case may be, does not own the security. R.S.O. 1970, c. 426, s. 79.

Shares in
name of
registrant
not to be
voted

49.—(1) Subject to subsection 4, voting securities of an issuer registered in the name of,

(a) a registrant or in the name of his nominee; or

(b) a custodian or in the name of his nominee, where such issuer is a mutual fund,

that are not beneficially owned by the registrant or the custodian, as the case may be, shall not be voted by the registrant or custodian at any meeting of security holders of the issuer.

Forwarding
of informa-
tion by
registrant

(2) Forthwith after receipt of a copy of a notice of a meeting of security holders of an issuer, the registrant or custodian shall, where the name and address of the beneficial owner of securities registered in the name of the registrant or custodian are known, send or deliver to each beneficial owner of such security, a copy of any notice, financial statement, information circular or other material unless the beneficial

owner agrees in writing that such notice, statements, circular and other material need not be sent or delivered. R.S.O. 1970, c. 426, s. 80 (1), *amended*.

(3) At the request of a registrant or custodian, the person or company sending material referred to in subsection 2 shall forthwith furnish to the registrant or custodian, at the expense of the sender, the requisite number of copies of the material. ^{Copies of information}

(4) A registrant or custodian shall vote or give a proxy requiring a nominee to vote any voting securities referred to in subsection 1 in accordance with any written voting instructions received from the beneficial owner. ^{Voting of shares}

(5) A registrant or custodian shall, if requested in writing by a beneficial owner, give to the beneficial owner or his nominee a proxy enabling the beneficial owner or his nominee to vote any voting securities referred to in subsection 1. R.S.O. 1970, c. 426, s. 80 (3-5), *amended*. ^{Proxies}

(6) For the purpose of this section, "custodian" means a custodian of securities issued by a mutual fund held for the benefit of plan holders under a custodial agreement or other arrangement with a person or company engaged in, or administering a contractual plan in relation to, the distribution of securities of the mutual fund. *New*. ^{"custodian" defined}

50.—(1) Subject to subsections 2 and 3, no registered dealer shall purchase or sell shares or units of a mutual fund except in accordance with the terms of an agreement between such registered dealer and a distribution company or the mutual fund. ^{Prohibition re secondary market in mutual fund shares}

(2) The Commission may, upon application of a distribution company or mutual fund, order that the prohibition contained in subsection 1 shall not apply in respect of the shares or units of a mutual fund mentioned in the order, where it is satisfied that adequate arrangements have been made, ^{Exemption by Commission}

- (a) to permit the distribution company or mutual fund to carry out adequately its responsibilities relating to the distribution of such shares or units;
- (b) by the distribution company or mutual fund to prevent dealers in the shares or units of the mutual fund from taking undue advantage of the availability of the right to redeem the shares or units of the mutual fund; and
- (c) to facilitate enforcement of the penalty prescribed by the regulations for the early redemption of shares or

units of the mutual fund in a transaction in which the total consideration paid or to be paid by the purchaser for the shares or units is more than the sum of \$50,000.

Application
of subs. 1

(3) Subsection 1 does not apply to the shares or units of a mutual fund in respect of which a prospectus has not been filed and a receipt therefor issued by the Director within the preceding fifteen months. *New.*

Submission
of
advertising

51.—(1) The Commission may, after giving the registered dealer an opportunity to be heard, and upon being satisfied that the registered dealer's past conduct with respect to the use of advertising and sales literature affords reasonable grounds for belief that it is necessary for the protection of the public to do so, order that the registered dealer shall deliver to the Commission at least seven days before it is used, copies of all advertising and sales literature which the registered dealer proposes to use in connection with trading in securities.

Interpre-
tation

(2) For the purposes of this section,

(a) "advertising" includes television and radio commercials, newspaper and magazine advertisements and all other sales material generally disseminated through the communications media; and

(b) "sales literature" includes records, videotapes and similar material, written matter and all other material, except preliminary prospectuses and prospectuses, designed for use in a presentation to a purchaser, whether such material is given or shown to him.

Prohibition
of
advertising

(3) Where the Commission has issued an order pursuant to subsection 1, the Director may prohibit the use of the advertising and sales literature so delivered or may require that deletions or changes be made prior to its use.

Rescission
or variation
of order

(4) Where an order has been made pursuant to subsection 1, the Commission, on application of the registered dealer at any time after the date thereof, may rescind or vary the order where in its opinion it is not contrary to the public interest to do so. *New.*

Resale price
maintenance

52.—(1) Subject to subsection 2, no mutual fund or distribution company shall, by any device or arrangement, whether oral or in writing, prevent or attempt to prevent any registrant, excepting one of its salesmen, where it is a dealer, from reducing any portion of sales charges that is payable to

such registrant upon the sale by such registrant of securities of the mutual fund if the sole purpose of the reduction is to enable the purchaser to purchase the securities at a proportionately lower price.

(2) A mutual fund or distribution company may refuse to sell the securities of the mutual fund to or through any dealer if the distribution company has reasonable cause to believe and does believe,

Refusal
to sell
through
dealer

- (a) that the dealer is operating a secondary market in the securities of the mutual fund;
- (b) that the dealer was making a practice of using securities of the mutual fund supplied by it not for the purpose of making a profit thereon, but for the purpose of advertising;
- (c) that the dealer was making a practice of using securities of the mutual fund supplied by it not for the purpose of selling them at a profit but for the purpose of attracting clients in the hope of selling them other securities;
- (d) that the dealer was making a practice of engaging in misleading advertising in respect of the securities of the mutual fund supplied by it; or
- (e) that the dealer made a practice of not providing the level of servicing that purchasers of the securities of the mutual fund might reasonably expect from the dealer. *New.*

PART XIII

PROSPECTING SYNDICATES

53.—(1) Upon the filing of a prospecting syndicate agree- Agreements
ment and the issuance of a receipt therefor by the Director, the liability of the members of the syndicate or parties to the agreement is limited to the extent provided by the terms of the agreement where,

- (a) the sole purpose of the syndicate is the financing of prospecting expeditions, preliminary mining development, or the acquisition of mining properties, or any combination thereof;
- (b) the agreement clearly sets out,
 - (i) the purpose of the syndicate,

- (ii) the particulars of any transaction effected or in contemplation involving the issue of units for a consideration other than cash,
- (iii) the maximum amount, not exceeding 25 per cent of the sale price, that may be charged or taken by a person or company as commission upon the sale of units in the syndicate,
- (iv) the maximum number of units in the syndicate, not exceeding $33\frac{1}{3}$ per cent of the total number of units of the syndicate, that may be issued in consideration of the transfer to the syndicate of mining properties,
- (v) the location of the principal office of the syndicate and that the principal office shall at all times be maintained in Ontario and that the Director and the members of the syndicate shall be notified immediately of any change in the location of the principal office,
- (vi) that a person or company holding mining properties for the syndicate shall execute a declaration of trust in favour of the syndicate with respect to such mining properties,
- (vii) that after the sale for cash of any issued units of the syndicate no mining properties shall be acquired by the syndicate other than by staking unless such acquisition is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate that have been sold for cash,
- (viii) that the administrative expenditures of the syndicate, including, in addition to any other items, salaries, office expenses, advertising and commissions paid by the syndicate with respect to the sale of its units, shall be limited to one-third of the total amount received by the treasury of the syndicate from the sale of its units,
- (ix) that a statement of the receipts and disbursements of the syndicate shall be furnished to the Director and to each member annually,
- (x) that 90 per cent of the vendor units of the syndicate shall be escrowed units and may be released upon the consent of the Director and that any release of such units shall not be in excess of one vendor unit for each unit of the syndicate sold for cash,

(xi) that no securities, other than those of the syndicate's own issue, and no mining properties owned by the syndicate or held in trust for the syndicate shall be disposed of unless such disposal is approved by members of the syndicate holding at least two-thirds of the issued units of the syndicate other than escrowed units; and

(c) the agreement limits the capital of the syndicate to a sum not exceeding \$100,000.

(2) The Director may in his discretion issue a receipt for a prospecting syndicate agreement filed under this section and is not required to determine whether it is in conformity with clauses *a*, *b* and *c* of subsection 1. ^{Receipt for filed agreement}

(3) After a receipt is issued by the Director for a prospecting agreement, the requirements of *The Partnerships Registration Act* as to filing do not apply to the prospecting syndicate. ^{Application of R.S.O. 1970, c. 340}

(4) No registered dealer shall trade in a security issued by a prospecting syndicate either as agent for the prospecting syndicate or as principal. R.S.O. 1970, c. 426, s. 34, *amended*. ^{Prohibition of trading by dealer}

(5) The Director shall not refuse to issue a receipt under subsection 1 without giving the person or company who filed the prospecting syndicate agreement an opportunity to be heard. *New*. ^{Receipt}

PART XIV

PROSPECTUSES—DISTRIBUTION

54.—(1) No person or company shall trade in a security on his own account or on behalf of any other person or company where such trade would be a distribution of such security unless a preliminary prospectus and a prospectus have been filed and receipts therefor obtained from the Director. R.S.O. 1970, c. 426, s. 35 (1), *amended*. ^{Prospectus required}

(2) A preliminary prospectus and a prospectus may be filed in accordance with this Part to enable the issuer to become a reporting issuer, notwithstanding the fact that no distribution is contemplated. *New*. ^{Filing without distribution}

55.—(1) A preliminary prospectus shall substantially comply with the requirements of this Act and the regulations respecting the form and content of a prospectus, except ^{Preliminary prospectus}

that the report or reports of the auditor or accountant required by the regulations need not be included.

Idem

(2) A preliminary prospectus may exclude information with respect to the price to the underwriter and offering price of any securities and other matters dependent upon or relating to such prices. R.S.O. 1970, c. 426, s. 38, *amended*.

Receipt for preliminary prospectus

56. The Director shall issue a receipt for a preliminary prospectus forthwith upon the filing thereof. R.S.O. 1970, c. 426, s. 35 (2).

Prospectus

57.—(1) A prospectus shall provide full, true, and plain disclosure of all material facts relating to the securities issued or proposed to be distributed and shall comply with the requirements of this Act and the regulations.

Supplemental material

(2) The prospectus shall contain or be accompanied by such financial statements, reports, or other documents as are required by this Act or the regulations. R.S.O. 1970, c. 426, s. 41, *amended*.

Amendment to preliminary prospectus on material change

58.—(1) Where a material adverse change occurs after a receipt is obtained for a preliminary prospectus filed in accordance with subsection 1 of section 54 and before the receipt for the prospectus is obtained or, where a material change occurs after the receipt for the prospectus is obtained but prior to the completion of the distribution under such prospectus, an amendment to such preliminary prospectus or prospectus, as the case may be, shall be filed as soon as practicable and in any event within ten days after the change occurs.

Notice of amendment

(2) An amendment to a preliminary prospectus referred to in subsection 1 shall, forthwith after it has been filed, be forwarded to each recipient of the preliminary prospectus according to the record maintained under section 68. R.S.O. 1970, c. 426, s. 40 (2, 3), *amended*.

Certificate by issuer

59.—(1) Subject to subsection 3, a prospectus filed under subsection 1 of section 54 shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer, and, on behalf of the board of directors, any two directors of the issuer, other than the foregoing, duly authorized to sign, and any person or company who is a promoter of the issuer:

The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by Part XIV of The Securities Act, 1977 and the regulations thereunder.

(2) Subject to subsection 3, a prospectus filed under ^{Idem} subsection 2 of section 54 shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer, and, on behalf of the board of directors, any two directors of the issuer, other than the foregoing, duly authorized to sign, and any person or company who is a promoter of the issuer:

The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities previously issued by the issuer as required by Part XIV of The Securities Act, 1977 and the regulations thereunder.

(3) Where the issuer has only three directors, two of whom ^{Idem} are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the issuer.

(4) Where the Director is satisfied upon evidence or sub- ^{Idem} missions made to him that either, or both of, the chief executive officer or chief financial officer of the issuer is for adequate cause not available to sign a certificate in a prospectus, the Director may permit the certificate to be signed by any other responsible officer or officers of the issuer in lieu of either, or both of, the chief executive officer or chief financial officer.

(5) With the consent of the Director, a promoter need not ^{Idem} sign the certificate in a prospectus.

(6) The Director may, in his discretion, require any ^{Certificate of promoter} person or company who was a promoter of the issuer within the two preceding years to sign the certificate required by subsection 1 or 2 subject to such conditions as the Director may consider proper.

(7) With the consent of the Director, a promoter may sign ^{Idem} a certificate in a prospectus by his agent duly authorized in writing. R.S.O. 1970, c. 426, s. 52, *amended*.

60.—(1) Where there is an underwriter, a prospectus shall ^{Certificate of underwriter} contain a certificate in the following form, signed by the underwriter or underwriters who, with respect to the securities offered by the prospectus, are in a contractual relationship with the issuer or security holder whose securities are being offered by the prospectus:

To the best of our knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by Part XIV of The Securities Act, 1977 and the regulations thereunder.

Idem	(2) With the consent of the Director, an underwriter may sign a certificate in a prospectus by his agent duly authorized in writing. R.S.O. 1970, c. 426, s. 53, <i>amended</i> .
Statement of rights	61. Every prospectus shall contain a statement of the rights given to a purchaser by sections 72 and 129. R.S.O. 1970, c. 426, ss. 64 (9), 65 (8), <i>amended</i> .
Issuance of receipt	62. —(1) Subject to subsection 2, the Director shall issue a receipt for a prospectus filed under this Part unless it appears to him that it is not in the public interest to do so.
Refusal of receipt	<p>(2) The Director shall not issue a receipt for a prospectus if it appears to him that,</p> <ul style="list-style-type: none"> (a) the prospectus or any document required to be filed therewith, <ul style="list-style-type: none"> (i) fails to comply in any substantial respect with any of the requirements of this Part or the regulations, (ii) contains any statement, promise, estimate or forecast that is misleading, false or deceptive, or (iii) contains a misrepresentation; (b) an unconscionable consideration has been paid or given or is intended to be paid or given for promotional purposes or for the acquisition of property; (c) the proceeds from the sale of the securities to which the prospectus relates that are to be paid into the treasury of the issuer, together with other resources of the issuer, are insufficient to accomplish the purpose of the issue stated in the prospectus; (d) having regard to the financial condition of the issuer or an officer, director, promoter, or a person or company or combination of persons or companies holding sufficient of the securities of the issuer to affect materially the control of the issuer, the issuer cannot reasonably be expected to be financially responsible in the conduct of its business; (e) the past conduct of the issuer or an officer, director, promoter, or a person or company or combination of persons or companies holding sufficient of the securities of the issuer to affect materially the

control of the issuer affords reasonable grounds for belief that the business of the issuer will not be conducted with integrity and in the best interests of its security holders;

- (f) such escrow or pooling agreement as the Director considers necessary or advisable with respect to securities has not been entered into;
- (g) such agreement as the Director considers necessary or advisable to accomplish the objects indicated in the prospectus for the holding in trust of the proceeds payable to the issuer from the sale of the securities pending the distribution of the securities has not been entered into;
- (h) in the case of a prospectus filed by a finance company, as defined in the regulations,
 - (i) the plan of distribution of the securities offered is not acceptable,
 - (ii) the securities offered are not secured in such manner, on such terms and by such means as are required by the regulations, or
 - (iii) such finance company does not meet such financial and other requirements and conditions as are specified in the regulations; or
- (i) a person or company who has prepared or certified any part of the prospectus or is named as having prepared or certified a report or valuation used in or in connection with a prospectus is not acceptable to him.

(3) The Director shall not refuse to issue a receipt under subsection 1 or 2 without giving the person or company who filed the prospectus an opportunity to be heard. ^{Hearing} R.S.O. 1970, c. 426, s. 61 (1, 2); 1971, c. 31, s. 16, *amended*.

(4) Where it appears to the Director that a preliminary prospectus, *pro forma* prospectus, or prospectus raises a material question involving the public interest under subsection 1 or a new or novel question of interpretation under subsection 2 that might result in the Director refusing to issue a receipt under subsection 1 or 2, the Director may refer the question to the Commission for determination. ^{Referral to Commission}

Form of question	(5) The Director shall state the question in writing setting out the facts upon which the question is based.
Filing of question	(6) The question, together with any additional material, shall be lodged by the Director with the Secretary of the Commission, and a copy of the question shall forthwith be served by the Director upon any interested person or company.
Hearing by Commission	(7) The Commission, after giving the parties an opportunity to be heard, shall consider and determine the question and refer the matter back to the Director for final consideration under subsections 1 and 2.
Decision of Commission	(8) Subject to any order of the Supreme Court made under section 9, the decision of the Commission on the question is binding on the Director. <i>New.</i>
Refiling of prospectus	<p>63.—(1) No distribution of a security shall continue longer than twelve months from either,</p> <ul style="list-style-type: none"> (a) the date of the issuance of the receipt for the preliminary prospectus relating to such security; or (b) the date of the last prospectus filed under this section, <p>as the case may be, which shall be the lapse date, unless a new prospectus that complies with this Part is filed and a receipt therefor is obtained from the Director. R.S.O. 1970, c. 426, s. 56; 1971, c. 31, s. 11, <i>amended.</i></p>
Idem	<p>(2) A distribution may be continued for a further twelve months if,</p> <ul style="list-style-type: none"> (a) a <i>pro forma</i> prospectus prepared in accordance with the regulations is filed not less than thirty days prior to the lapse date of the previous prospectus; (b) a prospectus is filed not later than ten days following the lapse date of the previous prospectus; and (c) a receipt for the prospectus is obtained from the Director within the twenty days following the lapse date of the previous prospectus.
Failure to refile	(3) Subject to any extension granted under subsection 4, all trades completed in reliance upon subsection 2 after the lapse date may be cancelled at the option of the purchaser within ninety days of the purchaser's first knowledge of the

failure to comply with such conditions where any of the conditions to the continuation of a distribution under subsection 2 are not complied with.

(4) The Commission may, upon an application of a reporting issuer, extend, subject to such terms and conditions as it may impose, the times provided by subsection 2 where in its opinion it would not be prejudicial to the public interest to do so. *New.*

64.—(1) No dealer shall engage in the distribution of a security to which section 54 or 63 is applicable until such dealer has notified the Commission in writing of his intention to engage in such distribution.

(2) Every dealer shall forthwith notify the Commission in writing when he has ceased to engage in the distribution of a security to which section 54 or 63 is applicable. R.S.O. 1970, c. 426, s. 54, *amended.*

65.—(1) Where a person or company proposing to make a distribution of previously issued securities of an issuer is unable to obtain from the issuer of the securities information or material that is necessary for the purpose of complying with this Part or the regulations, the Director may order the issuer of the securities to furnish to the person or company that proposes to make the distribution such information and material as the Director considers necessary for the purposes of the distribution, upon such terms and subject to such conditions as he considers proper, and all such information and material may be used by the person or company to whom it is furnished for the purpose of complying with this Part and the regulations.

(2) Where a person or company proposing to make a distribution of previously issued securities of an issuer is unable to obtain any or all of the signatures to the certificates required by this Act or the regulations, or otherwise to comply with this Part or the regulations, the Director may, upon being satisfied that all reasonable efforts have been made to comply with this Part and the regulations and that no person or company is likely to be prejudicially affected by such failure to comply, make such order waiving any of the provisions of this Part or the regulations as he considers advisable, upon such terms and subject to such conditions as he considers proper. R.S.O. 1970, c. 426, s. 60, *amended.*

PART XV

DISTRIBUTION—GENERALLY

"waiting
period"
defined

66.—(1) In this section, "waiting period" means the interval, which shall be at least ten days, between the issuance by the Director of a receipt for a preliminary prospectus relating to the offering of a security and the issuance by him of a receipt for the prospectus.

Distribution
of material
during
waiting
period

(2) Notwithstanding section 54, but subject to Part XII, it is permissible during the waiting period,

- (a) to distribute a notice, circular, advertisement or letter to or otherwise communicate with any person or company identifying the security proposed to be issued, stating the price thereof, if then determined, the name and address of a person or company from whom purchases of the security may be made and containing such further information as may be permitted or required by the regulations, if every such notice, circular, advertisement, letter or other communication states the name and address of a person or company from whom a preliminary prospectus may be obtained;
- (b) to distribute a preliminary prospectus; and
- (c) to solicit expressions of interest from a prospective purchaser if, prior to such solicitation or forthwith after the prospective purchaser indicates an interest in purchasing the security, a copy of the preliminary prospectus is forwarded to him. R.S.O. 1970, c. 426, s. 36.

Distribution
of
preliminary
prospectus

67. Any dealer distributing a security to which section 66 applies shall, in addition to the requirements of clause c of subsection 2 of section 66, send a copy of the preliminary prospectus to each prospective purchaser who, without solicitation, indicates an interest in purchasing the security and requests a copy of such preliminary prospectus. R.S.O. 1970, c. 426, s. 37, *amended*.

Distribution
list

68. Any dealer distributing a security to which section 66 applies shall maintain a record of the names and addresses of all persons and companies to whom the preliminary prospectus has been forwarded. *New*.

Defective
preliminary
prospectus

69. Where it appears to the Director that a preliminary prospectus is defective in that it does not substantially comply with the requirements of this Act and the regula-

tions as to form and content, he may, without giving notice, order that the trading permitted by subsection 2 of section 66 in the security to which the preliminary prospectus relates shall cease until a revised preliminary prospectus satisfactory to the Director is filed and forwarded to each recipient of the defective preliminary prospectus according to the record maintained under section 68. R.S.O. 1970, c. 426, s. 40 (1).

70. From the date of the issuance by the Director of a receipt for a prospectus relating to a security, a person or company trading in the security in a distribution, either on his own account or on behalf of any other person or company, may distribute the prospectus, any document filed with or referred to in the prospectus and any notice, circular, advertisement or letter of the nature described in clause *a* of subsection 2 of section 66 or in the regulations, but shall not distribute any other printed or written material respecting the security that is prohibited by the regulations. R.S.O. 1970, c. 426, s. 57; 1971, c. 31, s. 12, *amended*. ^{Material given on distribution}

71.—(1) Where it appears to the Commission, after the filing of a prospectus under this Part and the issuance of a receipt therefor, that any of the circumstances set out in subsection 2 of section 62 exist, the Commission may order that the distribution of the securities under the prospectus shall cease. ^{Order to cease trading}

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof unless the hearing is commenced in which case the Commission may extend the order until the hearing is concluded. ^{Hearing}

(3) A notice of every order made under this section shall be served upon the issuer to whose securities the prospectus relates and upon every dealer who has notified the Commission of his intention to engage in the distribution of the securities, and forthwith upon the receipt of the notice, ^{Notice}

(a) distribution of the securities under prospectus by the person or company named in the order shall cease; and

(b) any receipt issued by the Director for the prospectus is revoked. R.S.O. 1970, c. 426, s. 62; 1971, c. 31, s. 17, *amended*.

Obligation
to deliver
prospectus

72.—(1) A dealer not acting as agent of the purchaser who receives an order or subscription for a security offered in a distribution to which subsection 1 of section 54 or section 63 is applicable shall, unless he has previously done so, send by prepaid mail or deliver to the purchaser the latest prospectus and any amendment to the prospectus filed either before entering into an agreement of purchase and sale resulting from the order or subscription or not later than midnight on the second day, exclusive of Saturdays, Sundays, and holidays, after entering into such agreement.

Withdrawal
from
purchase

(2) An agreement of purchase and sale referred to in subsection 1 is not binding upon the purchaser, if the dealer from whom the purchaser purchases the security receives written or telegraphic notice evidencing the intention of the purchaser not to be bound by the agreement of purchase and sale not later than midnight on the second day, exclusive of Saturdays, Sundays, and holidays, after receipt by the purchaser of the latest prospectus and any amendment to the prospectus.

Application
of subs. 2

(3) Subsection 2 does not apply if the purchaser is a registrant or if the purchaser sells or otherwise transfers beneficial ownership of the security referred to in subsection 2, otherwise than to secure indebtedness, before the expiration of the time referred to in subsection 2.

Time of
receipt

(4) For the purpose of this section, where the latest prospectus and any amendment to the prospectus is sent by prepaid mail, the latest prospectus and any amendment to the prospectus shall be deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it was addressed.

Receipt of
prospectus
by agent

(5) The receipt of the latest prospectus or any amendment to the prospectus by a dealer who is acting as agent of or who thereafter commences to act as agent of the purchaser with respect to the purchase of a security referred to in subsection 1 shall, for the purpose of this section, be receipt by the purchaser as of the date on which the agent received such latest prospectus and any amendment to the prospectus.

Receipt of
notice by
agent

(6) The receipt of the notice referred to in subsection 2 by a dealer who acted as agent of the vendor with respect to the sale of the security referred to in subsection 1 shall, for the purpose of this section, be receipt by the vendor as of the date on which the agent received such notice.

(7) For the purpose of this section, a dealer shall not be considered to be acting as agent of the purchaser unless the dealer is acting solely as agent of the purchaser with respect to the purchase and sale in question and has not received and has no agreement to receive compensation from or on behalf of the vendor with respect to the purchase and sale. Dealer
as agent

(8) The onus of proving that the time for giving notice under subsection 2 has expired is upon the dealer from whom the purchaser has agreed to purchase the security. Onus of
proof
R.S.O. 1970, c. 426, s. 64; 1971, c. 31, s. 19, *amended*.

PART XVI

EXEMPTIONS FROM PROSPECTUS REQUIREMENTS

73.—(1) Subject to the regulations, sections 54 and 63 do not apply to a distribution where, Prospectus
not
required

(a) the purchaser is,

(i) a bank to which the *Bank Act* (Canada) applies or the Federal Business Development Bank incorporated under the *Federal Business Development Bank Act* (Canada), R.S.C. 1970,
c. B-1,
1974-75,
c. 14 (Can.)

(ii) a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, R.S.O. 1970,
c. 254

(iii) an insurance company licensed under *The Insurance Act*, R.S.O. 1970,
c. 224

(iv) Her Majesty in right of Canada or any province or territory of Canada, or

(v) any municipal corporation or public board or commission in Canada,

who purchases as principal;

(b) the trade is an isolated trade in a specific security by or on behalf of an issuer, for the issuer's account, where such trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities;

(c) the party purchasing as principal is a company or a person, other than an individual, and is recognized by the Commission as an exempt purchaser;

- (d) the purchaser purchases as principal, if the trade is in a security which has an aggregate acquisition cost to such purchaser of not less than \$97,000;
- (e) the trade is to a lender, pledgee, mortgagee or other encumbrancer from the holdings of any person, company or combination of persons or companies described in subparagraph iii of paragraph 12 of subsection 1 of section 1 for the purpose of giving collateral for a *bona fide* debt;
- (f) the trade is made by an issuer,
 - (i) in a security of its own issue that is distributed by it to holders of its securities as a stock dividend or other distribution out of earnings or surplus,
 - (ii) in a security whether of its own issue or not that is distributed by it to holders of its securities as incidental to a *bona fide* reorganization or winding up of the issuer or distribution of its assets for the purpose of winding up its affairs pursuant to the laws of the jurisdiction in which the issuer was incorporated, organized or continued,
 - (iii) in a right, transferable or otherwise, granted by the issuer to holders of its securities to purchase additional securities of its own issue and the issue of securities pursuant to the exercise of the right if the issuer has given the Commission written notice stating the date, amount, nature and conditions of the proposed sale, including the approximate net proceeds to be derived by the issuer on the basis of such additional securities being fully taken up and paid for, and either,
 - a. the Commission has not informed the issuer in writing within ten days of the giving of the notice that it objects to the proposed trade, or
 - b. the issuer has delivered to the Commission information relating to the securities that is satisfactory to, and accepted by, the Commission, or

- (iv) in securities of its own issue or those of a reporting issuer held by it transferred or issued through the exercise of a right to purchase, convert or exchange previously granted by the issuer,

provided that, with respect to any trade referred to in subclause i or ii, no commission or other remuneration is paid or given to others in respect of such distribution except for ministerial or professional services or for services performed by a registered dealer;

- (g) the trade is made in a security of a company that is exchanged by or for the account of such company with another company or the holders of the securities of that other company in connection with,
 - (i) a statutory amalgamation or arrangement, or
 - (ii) a statutory procedure under which one company takes title to the assets of the other company which in turn loses its existence by operation of law, or under which the existing companies merge into a new company;
- (h) the trade is made in a security of a company that is exchanged by or for the account of the company with the security holders of another company in connection with a take-over bid as defined in Part XIX;
- (i) the trade is made in a security of an issuer in connection with a take-over bid exempted from the requirements of Part XIX by subsection 2 of section 90;
- (j) the trade is made by an issuer in a security of its own issue as consideration for a portion or all of the assets of any person or company, if the fair value of the assets so purchased is not less than \$100,000;
- (k) the trade is made by an issuer in a security of its own issue in consideration of mining claims where the vendor enters into such escrow or pooling agreement as the Director considers necessary;
- (l) the trade is made by an issuer in the securities of its own issue with its employees or the employees of an affiliate who are not induced to purchase by expectation of employment or continued employment;

- (m) the trade is made between an issuer in securities of its own issue and not more than twenty-five purchasers or is made between such purchasers if each of the following requirements is satisfied,
- (i) each purchaser purchases as principal,
 - (ii) each purchaser,
 - a. is an investor who, by virtue of his net worth and investment experience or by virtue of consultation with or advice from a registered adviser, is able to evaluate the prospective investment on the basis of information respecting the investment presented to him by the issuer or has access to substantially the same information concerning the issuer that the filing of a prospectus under this Act would provide, or
 - b. is a senior officer or director of the issuer or his spouse, parent, brother, sister or child,
 - (iii) the offer and sale of the securities are not accompanied by an advertisement and no selling or promotional expenses have been paid or incurred in connection therewith, except for professional services or for services performed by a registered dealer,
 - (iv) solicitations in respect of the securities have not been made to more than fifty prospective purchasers, and
 - (v) there are not more than twenty-five beneficial owners of securities as a result of trades pursuant to this exemption;
- (n) the trade is made from one registered dealer to another registered dealer where the registered dealer making the purchase is acting as principal;
- (o) the trade is made between a person or company and an underwriter acting as purchaser or between or among underwriters; or
- (p) the trade is in a commodity futures option or commodity futures contract where such trade is a *bona fide* hedging transaction within the meaning of *The Commodity Futures Act, 1977*.

(2) For the purpose of subsection 1, a trust company registered under *The Loan and Trust Corporations Act* shall be deemed to be acting as principal when it trades as trustee for accounts fully managed by it.

Trust
companies
deemed
principals
R.S.O. 1970,
c. 254

(3) Where a trade has been made under clause *a, b, c, d, j, m* or *n* of subsection 1, the vendor shall within ten days file a report prepared and executed in accordance with the regulations.

Report

(4) The first trade in securities acquired pursuant to an exemption contained in clause *a, b, c, d, j, k, m* or *n* of subsection 1, other than a further trade exempted by subsection 1, is a distribution, unless,

First
trades
deemed
distribution

(a) the issuer of the security is a reporting issuer and is not in default of any requirement of this Act or the regulations;

(b) (i) the securities are listed and posted for trading on a stock exchange recognized for this purpose by the Commission and comply with the requirements of either clause *m* or *n* of subsection 1 of section 383 of *The Insurance Act*, and have been held at least six months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later, or

R.S.O. 1970,
c. 224

(ii) the securities are bonds, debentures or other evidences of indebtedness issued or guaranteed by an issuer and comply with the requirements of clause *k* of subsection 1 of section 383 of *The Insurance Act* and have been held at least six months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is the later, or

(iii) the securities are listed and posted for trading on a stock exchange recognized for this purpose by the Commission or are bonds, debentures or other evidences of indebtedness issued or guaranteed by the reporting issuer whose securities are so listed, and have been held at least one year from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is later, or

(iv) the securities have been held at least eighteen months from the date of the initial exempt trade or the date the issuer became a reporting issuer, whichever is later; and

- (c) the vendor files a report within ten days prepared and executed in accordance with the regulations,

provided that no unusual effort is made to prepare the market or to create a demand for such securities and no extraordinary commission or consideration is paid in respect of such trade.

Idem

(5) The first trade in securities acquired under an exemption contained in clause *f*, *g*, *h*, *i* or *l* of subsection 1 and the first trade in previously issued securities of a company that has ceased to be a private company, other than a further trade exempted by subsection 1, is a distribution unless,

- (a) the issuer of the securities is a reporting issuer and has been a reporting issuer for at least twelve months or, in the case of securities acquired under clause *g* of subsection 1, one of the amalgamating or merged corporations or one of the continuing corporations has been a reporting issuer for twelve months and the issuer is not in default of any requirement of this Act or the regulations;
- (b) the issuer has made disclosure of its exempt trade; and
- (c) no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or consideration is paid in respect of the trade.

Idem

(6) The first trade in securities purchased under an exemption contained in clause *o* of subsection 1, other than a further trade exempted by subsection 1, is a distribution.

Prospectus
not
required

(7) Sections 54 and 63 do not apply to a distribution within the meaning of subparagraph iii of paragraph 12 of subsection 1 of section 1 or by a lender, pledgee, mortgagee or other encumbrancer for the purpose of liquidating a *bona fide* debt by selling or offering for sale a security pledged, mortgaged or otherwise encumbered in good faith as collateral for the debt in accordance with clause *e* of subsection 1, if,

- (a) the distribution is exempted by subsection 1; or
- (b) the issuer of the security is a reporting issuer and has been a reporting issuer for at least eighteen months and is not in default of any requirement of this Act or the regulations and the seller,

- (i) files with the Commission and any stock exchange recognized by the Commission for this purpose on which the securities are listed at least seven days and not more than fourteen days prior to the proposed trade,
 - a. a notice of intention to sell in the form prescribed by the regulations disclosing particulars of the control position known to him, the number of securities to be sold and the method of distribution, and
 - b. a declaration signed by each seller as at a date not more than twenty-four hours prior to its filing and prepared and executed in accordance with the regulations and certified as follows:

“The seller for whose account the securities to which this certificate relates are to be sold hereby represents that he has no knowledge of any material change which has occurred in the affairs of the issuer of the securities which has not been generally disclosed and reported to the Commission, nor has he any knowledge of any other material adverse information in regard to the current and prospective operations of the issuer which have not been generally disclosed”,

and,

- (ii) files within three days after the completion of any trade a report of the trade in the form prescribed under Part XX,

provided that the notice required to be filed under sub-subclause a of subclause i and the declaration required to be filed under sub-subclause b of subclause i shall be renewed and filed at the end of sixty days after the original date of filing and thereafter at the end of each twenty-eight day period so long as any of the securities specified under the original notice have not been sold or until notice has been filed that the securities so specified or any part thereof are no longer for sale; and

- (c) no unusual effort is made to prepare the market or to create a demand for the securities and no extraordinary commission or other consideration is paid in respect of such trade. *New.*

Certificate re
reporting
issuer

(8) Subject to subsection 10, for the purpose of determining whether an issuer is a reporting issuer and, if so, whether the reporting issuer is not in default of any requirement of this Act or the regulations, the seller is entitled to apply to the Commission for a certificate issued for this purpose in accordance with section 138 and is entitled to rely on the certificate.

List re
defaulting
reporting
issuers

(9) Subject to subsection 10, for the purpose of determining whether a reporting issuer is not in default of any requirement of this Act or the regulations, the seller is entitled to rely on a list of defaulting reporting issuers which shall be maintained by the Commission for public inspection in its offices during its normal business hours.

Exception

(10) No person or company who knows or ought reasonably to know that a reporting issuer is in default may rely on the certificate or on the list.

Reporting
issuers

(11) An issuer shall be deemed to have been a reporting issuer from the date that it met the condition of the appropriate subclause of paragraph 35 of subsection 1 of section 1 provided that in each case it is currently in compliance with the requirements of this Act and in the case of qualification under subclause iii of paragraph 35 of subsection 1 of section 1 it is also currently listed and posted for trading on any stock exchange in Ontario recognized by the Commission. *New.*

Prospectus
not
required

74.—(1) Sections 54 and 63 do not apply to a distribution of securities,

- (a) referred to in subsection 2 of section 35 excepting paragraphs 16 and 17 thereof;
- (b) that are listed and posted for trading on any stock exchange recognized for the purpose of this section by the Commission where the securities are distributed through the facilities of the stock exchange pursuant to the rules of the stock exchange and the requirements of the Commission, provided that a statement of material facts, which shall comply as to form and content with the regulations, is filed with and is accepted for filing by the stock exchange and the Commission;

(c) that are options to sell or purchase securities known as puts and calls or any combination thereof which provide that the holder thereof may sell to or purchase from the writer of the option a specified amount of securities at a specific price, on or prior to a specified date or the occurrence of a specified event, provided,

(i) the option has been written by a member of an exchange recognized by the Commission for this purpose or the performance under the option is guaranteed by a member of an exchange recognized by the Commission for this purpose,

(ii) the securities that are the subject of the option are listed and posted for trading on an exchange recognized by the Commission for this purpose, and

(iii) the option is in the form from time to time prescribed by the regulations; or

(d) that are exempted by the regulations.

(2) Sections 72 and 129 apply *mutatis mutandis* to a distribution under clause *b* of subsection 1 as if sections 54 and 63 were applicable thereto, and the statement of material facts referred to in clause *b* of subsection 1 shall be deemed conclusively to be a prospectus for the purposes of sections 72 and 129. *New.*

75.—(1) The Commission may, upon the application of an interested person or company, rule that an intended trade is not subject to section 24 or 54 where it is satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary. 1971, c. 31, s. 14, *part, amended.*

(2) Where doubt exists whether a distribution of any security has been concluded or is currently in progress, the Commission may determine the question and rule accordingly.

(3) A decision of the Commission under this section is final and there is no appeal therefrom. 1971, c. 31, s. 14, *part.*

PART XVII

CONTINUOUS DISCLOSURE

Publication
of material
change

76.—(1) Subject to subsection 3, where a material change occurs in the affairs of a reporting issuer, it shall forthwith issue and file a press release authorized by a senior officer disclosing the nature and substance of such change.

Report of
material
change

(2) The reporting issuer shall file a report of such change in accordance with the regulations as soon as practicable and in any event within ten days of the date on which the change occurs.

Idem

(3) Where in the opinion of the reporting issuer, the disclosure required by subsections 1 and 2 would be unduly detrimental to the interests of the reporting issuer, it shall forthwith deliver to the Commission the report required under subsection 2 marked "confidential" together with written reasons for non-disclosure.

Idem

(4) Where a report has been delivered to the Commission under subsection 3, the reporting issuer shall advise the Commission in writing where it believes the report should continue to remain confidential within ten days of the date of delivery of the initial report and every ten days thereafter until the material change is generally disclosed. *New.*

Trading
where
undisclosed
change

77.—(1) No person or company shall purchase or sell securities of a reporting issuer with knowledge of a material change in the affairs of the reporting issuer that he or it knew or reasonably ought to have known had not been generally disclosed or inform another person or company about such material change other than in the necessary course of business before it has been so disclosed.

Exception

(2) No person or company shall be found to have contravened subsection 1 if the person or company proves that he or it did not make use of knowledge of the material change in purchasing or selling the securities.

Advising
trade

(3) No person shall advise another person or company to buy, sell, hold or exchange securities of the reporting issuer with knowledge of a material change in the affairs of the reporting issuer that he knew or ought reasonably to have known had not been generally disclosed. *New.*

Interim
financial
statement

78.—(1) Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement.

- (a) for the three-month period that commenced on the date of incorporation, organization or continuation, as the case may be, and for each of the two subsequent three-month periods during its first financial year, if the reporting issuer has not completed a financial year; or
- (b) for the three-month period of the current financial year that commenced immediately following the last financial year and for each of the two subsequent three-month periods during the current financial year, including a comparative statement for the corresponding three-month period in the last financial year, if the reporting issuer has completed a financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. R.S.O. 1970, c. 426, s. 130 (1), *amended*.

(2) Every reporting issuer that is a mutual fund shall ^{Idem} file within sixty days of the date to which it is made up an interim financial statement,

- (a) for the six-month period that commenced on the date of incorporation, organization or continuation, if the reporting issuer has not completed a financial year; or
- (b) for the six-month period that commenced immediately after the last financial year, if the reporting issuer has completed a financial year,

made up and certified by the regulations and in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. *New*.

79.—(1) Every reporting issuer that is not a mutual fund shall file annually within 140 days from the end of its last financial year comparative financial statements relating separately to, ^{Comparative financial statements}

- (a) the period that commenced on the date of incorporation, organization or continuation, as the case may be, and ended as of the close of the first financial year or, if the reporting issuer has com-

pleted a financial year, the last financial year, as the case may be; and

- (b) the period covered by the financial year next preceding the last financial year, if any,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. R.S.O. 1970, c. 426, s. 120 (1), *amended*.

Annual
financial
statements

(2) Every reporting issuer that is a mutual fund shall file annually within 140 days from the end of its last financial year financial statements relating to the period that commenced on the date of incorporation, organization or continuation and ended as of the close of its first financial year or, if the reporting issuer has completed a financial year, the last financial year made up and certified as required by the regulations and in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period. *New*.

Auditor's
report

(3) Every financial statement referred to in subsections 1 and 2 shall be accompanied by a report of the auditor of the reporting issuer prepared in accordance with the regulations. R.S.O. 1970, c. 426, s. 119 (2), *amended*.

"auditor"
defined

(4) For the purposes of this Part, "auditor", where used in relation to the reporting issuer, includes the auditor of the reporting issuer and any other independent public accountant. *New*.

Auditor's
examination

80. The auditor of a reporting issuer shall make such examinations as will enable him to make the report required by subsection 3 of section 79. R.S.O. 1970, c. 426, s. 119 (1).

Relief
against
certain
require-
ment

81. Upon the application of a reporting issuer, the Commission may, where in the opinion of the Commission to do so would not be prejudicial to the public interest, make an order on such terms and conditions as the Commission may impose,

- (a) permitting the omission from the financial statements required to be filed under this Part of,
- (i) comparative financial statements for particular periods of time,

- (ii) sales or gross operating revenue where the Commission is satisfied that the disclosure of such information would be unduly detrimental to the interests of the reporting issuer, or
 - (iii) basic earnings per share or fully diluted earnings per share;
- (b) where, in the opinion of the Commission, the reporting issuer is unable to comply with the requirements of the regulations relating to the preparation of a statement of changes in financial position required under this Part and the regulations, permitting the reporting issuer to file in lieu thereof an alternative financial statement containing such information, if any, as the Commission considers appropriate;
- (c) exempting, in whole or in part, the reporting issuer from a requirement of this Part or the regulations relating to a requirement of this Part,
- (i) if such requirement conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued, or
 - (ii) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing. R.S.O. 1970, c. 426, s. 132 (1), *amended*.

82.—(1) Where the management of a reporting issuer is required to send an information circular under clause a of subsection 1 of section 87, the reporting issuer shall forthwith file a copy of such information circular certified in accordance with the regulations. ^{Filing of information circular}

(2) In any case where subsection 1 is not applicable, ^{Idem} the reporting issuer shall file annually within 140 days from the end of its last financial year a report prepared and certified in accordance with the regulations. *New.*

83. Where the laws of the jurisdiction in which the reporting issuer was incorporated, organized or continued require the reporting issuer to file substantially the same information in that jurisdiction as is required by this Part, the reporting issuer may comply with the filing requirements of this Part by filing copies of the press release, timely ^{Filing of documents filed in another jurisdiction}

disclosure report, information circular or financial statements and auditor's report, as the case may be, required by that jurisdiction provided such releases, reports, circulars or statements are manually signed or certified in accordance with the regulations. *New.*

Order
relieving
small
reporting
issuer

84. Upon the application of a reporting issuer that has fewer than fifteen security holders whose latest address as shown on the books of the reporting issuer is in Ontario, the Commission may order, subject to such terms and conditions as it may impose, that the reporting issuer shall be deemed to have ceased to be a reporting issuer where it is satisfied that to do so would not be prejudicial to the public interest. *New.*

PART XVIII

PROXIES AND PROXY SOLICITATION

Interpre-
tation

85. In this Part,

- (a) "information circular" means an information circular prepared in accordance with the regulations;
- (b) "solicit" and "solicitation" include,
 - (i) any request for a proxy whether or not accompanied by or included in a form of proxy,
 - (ii) any request to execute or not to execute a form of proxy or to revoke a proxy,
 - (iii) the sending or delivery of a form of proxy or other communication to a security holder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy,
 - (iv) the sending or delivery of a form of proxy to a security holder under section 86,

but do not include,

- (v) the sending or delivery of a form of proxy to a security holder in response to an unsolicited request made by him or on his behalf, or

- (vi) the performance by any person or company of ministerial acts or professional services on behalf of a person or company soliciting a proxy. R.S.O. 1970, c. 426, s. 101 (b, c), *amended*.

86. Subject to section 89, if the management of a reporting issuer gives or intends to give to holders of its voting securities notice of a meeting, the management shall, concurrently with or prior to giving the notice to the security holders whose latest address as shown on the books of the reporting issuer is in Ontario, send by prepaid mail to each such security holder who is entitled to vote at the meeting, at his latest address as shown on the books of the reporting issuer, a form of proxy for use at the meeting that complies with the regulations. R.S.O. 1970, c. 426, s. 102 (1), *amended*. ^{Mandatory solicitation of proxies}

87.—(1) Subject to subsection 2 and section 89, no person or company shall solicit proxies from holders of its voting securities whose latest address as shown on the books of the reporting issuer is in Ontario unless, ^{Information circular}

- (a) in the case of a solicitation by or on behalf of the management of a reporting issuer, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each such security holder of the reporting issuer whose proxy is solicited at his latest address as shown on the books of the reporting issuer; or
- (b) in the case of any other solicitation, the person or company making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each such security holder whose proxy is solicited.

(2) Subsection 1 does not apply to,

^{Application of subs. 1}

- (a) any solicitation, otherwise than by or on behalf of the management of a reporting issuer, where the total number of security holders whose proxies are solicited is not more than fifteen, two or more persons or companies who are the joint registered owners of one or more securities being counted as one security holder;
- (b) any solicitation by a person or company made under section 49; or

- (c) any solicitation by a person or company in respect of securities of which he is the beneficial owner. R.S.O. 1970, c. 426, s. 103 (1, 2), *amended*.

Voting
where
proxies

88. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy has provided a means whereby the person or company whose proxy is solicited may specify how such person or company wishes the securities registered in his name to be voted unless,

- (a) a poll is demanded by any security holder present at the meeting in person or represented thereat by proxy; or
- (b) proxies requiring that the securities represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matters or group of matters total more than 5 per cent of all the voting rights attached to all the securities entitled to be voted and be represented at the meeting. R.S.O. 1970, c. 426, s. 106, *amended*.

Compliance
with laws
of other
jurisdiction

89.—(1) Where a reporting issuer is complying with the requirements of the laws of the jurisdiction under which it is incorporated, organized or continued and the requirements are substantially similar to the requirements of this Part, the requirements of this Part do not apply.

Exemption
by order

(2) Subject to subsection 1, upon the application of any interested person or company, the Commission may,

- (a) if a requirement of this Part conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued; or
- (b) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient exempting, in whole or in part, a person or company from the requirements of this Part. *New.*

PART XIX

TAKE-OVER BIDS AND ISSUER BIDS

Interpre-
tation

90.—(1) In this Part,

- (a) "day" means a clear day and a period of days shall be deemed to commence the day following the event which began the period and shall be deemed to terminate on midnight of the last day of the period except that if the last day of the period falls on a Sunday or holiday the period shall terminate on midnight of the day next following that is not a Sunday or holiday;
- (b) "directors' circular" means a directors' circular prepared in accordance with the regulations;
- (c) "issuer bid" means an offer made by an issuer to purchase, redeem or otherwise acquire any or all of a class of its securities;
- (d) "offeree" means a person or company to whom a take-over bid or an issuer bid is made and whose latest address as shown on the books of the offeree company is in Ontario;
- (e) "offeree company" means a company whose securities are the subject of a take-over bid;
- (f) "offeror" means a person or company other than an agent, who makes a take-over bid or an issuer bid and, in the case of a take-over bid, includes two or more persons or companies,
 - (i) whose take-over bids are made jointly or in concert, or
 - (ii) who intend to exercise jointly or in concert any voting rights attaching to the securities for which a take-over bid is made;
- (g) "offeror's presently-owned securities" means voting securities of an offeree company beneficially owned, directly or indirectly, on the date of a take-over bid by the offeror or an associate of the offeror;
- (h) "take-over bid" means an offer made to security holders the last address of any of whom as shown on the books of the offeree company is in Ontario to purchase, directly or indirectly, such number of voting securities of a company that, together with the offeror's presently-owned securities, will in the aggregate exceed 20 per cent of the outstanding voting securities of the company. R.S.O. 1970, c. 426, s. 81; 1971, c. 31, s. 22, *amended*.

(2) A take-over bid is exempted from the requirements of this Part where, Exempted
take-over
bids

- (a) it is made through the facilities of a stock exchange recognized by the Commission for the purpose of this Part according to the by-laws, regulations or policies of the stock exchange; or
- (b) it is an offer to purchase shares in a private company provided that the private company is not an insider of a reporting issuer. R.S.O. 1970, c. 426, s. 81; 1971, c. 31, s. 22, *amended*.

Exempted
issuer bid

(3) An issuer bid is exempted from the requirements of this Part where,

- (a) the securities are purchased, redeemed or retired in accordance with the terms and conditions agreed to at the time they were issued or subsequently varied by agreement with the security holders of that class;
- (b) the issuer bid is made through the facilities of a stock exchange recognized by the Commission for the purpose of this Part according to the by-laws, regulations or policies of the stock exchange;
- (c) following the publication of a notice of intention in the form and in the manner prescribed by the regulations, the issuer purchases by any method not more than 5 per cent in number or, in the case of debt securities, in value, of the issued securities of a class not held by or for the benefit of the issuer, in the preceding 30 days; or
- (d) the issuer bid is made by a private company. *New*.

Require-
ments for
take-over
and issuer
bids

91.—(1) The following provisions apply to every take-over bid and issuer bid:

1. The take-over bid or issuer bid shall be made to all holders of the securities sought, and, in the case of a take-over bid, to all holders of the voting securities, securities convertible into the voting securities and to all holders of warrants to purchase the voting securities, whose last address on the records of the offeree company or issuer is in Ontario.
2. The period of time in which securities may be deposited pursuant to a take-over bid or an issuer bid shall not be less than twenty-one days from the date thereof.
3. Any securities deposited pursuant to a take-over bid or an issuer bid shall not be taken up and paid for by the offeror until the expiration of ten days from its date.
4. Any securities deposited pursuant to a take-over bid or an issuer bid may be withdrawn by an offeree

- at any time until the expiration of ten days from its date.
5. Notice of withdrawal of any securities pursuant to paragraph 4 shall be made in writing, including telegraphic communication, by the offeree or his agent and must be actually received by the depositary.
 6. Where a take-over bid or an issuer bid is made for less than all the securities owned by offerees, securities deposited pursuant thereto shall not be taken up and paid for by an offeror until the expiration of twenty-one days from its date.
 7. Where a take-over bid or an issuer bid is made for less than all the securities owned by offerees, the period of time within which securities may be deposited pursuant to the take-over bid or an issuer bid, or any extension thereof, shall not exceed thirty-five days from the date of the take-over bid or an issuer bid.
 8. Where a take-over bid or an issuer bid is made for less than all the securities owned by offerees, securities deposited pursuant to the take-over bid or an issuer bid shall be taken up and paid for, if all the terms and conditions thereof not waived by the offeror have been complied with, within fourteen days after the last day within which securities may be deposited thereto.
 9. Where a take-over bid or an issuer bid is made for less than all the securities owned by offerees and where a greater number of securities is deposited pursuant thereto than the offeror is bound or willing to take up and pay for, the securities taken up by the offeror shall be taken up as nearly as may be *pro rata*, disregarding fractions, according to the number of securities deposited by each offeree.
 10. In the case of a take-over bid, where the laws applicable to the company provide for a right of appraisal or acquisition, the offeror shall advise the offeree of his rights of appraisal and whether the offeror intends exercising any right of acquisition he may have.
 11. The offeror shall not attach any conditions to the offer except, in the case of take-over bids, the right to withdraw the offer if,
 - (a) the offerees fail to tender the minimum number of securities the offeror is bound and willing to take up;

- (b) any undisclosed action prior to the date of the offer, or any action subsequent to such date, of the offeree company or of the directors or senior officers of the offeree company or by a person or company other than the offeror effects a material change in the affairs of the company; or
- (c) the required approval of a governmental or regulatory authority is not obtained prior to the expiration of the offer.

12. Where the take-over bid or issuer bid is made for all of the securities owned by offerees, the offeror shall, at the expiration of thirty-five days from the making of the offer, take up and pay for the securities tendered at that time or, in the case of a take-over bid, abandon his offer.

13. Where the take-over bid is subject to the approval of a governmental or regulatory authority, the time within which the offeree is bound to take up and make payment for the securities under paragraphs 9 and 13 may be extended for a period not exceeding an additional sixty days. R.S.O. 1970, c. 426, s. 82; 1971, c. 31, s. 23, *amended*.

Sale by
offeror
prohibited

(2) The offeror shall not sell any of the class of the securities that are the subject of the take-over bid during the period of the take-over bid.

Offer
increasing
take-over
bid or
issuer bid

(3) Where, during the course of a take-over bid or an issuer bid, the offeror pays or agrees to pay a price for securities higher than the consideration offered through the take-over bid or issuer bid, the take-over bid or issuer bid shall be deemed to be varied by increasing the consideration to the higher price. *New*.

Notice of
variation in
take-over
bid or
issuer bid

92.—(1) Where a take-over bid or an issuer bid has been varied by changing any of its terms, every person or company that has been sent the take-over bid circular or issuer bid circular shall be sent notice of the variation and the date of the take-over bid or issuer bid shall, for the purposes of section 91, be deemed to be the date of the variation.

Idem

(2) A notice of variation shall advise the offeree of his rights under paragraph 4 of subsection 1 of section 91. *New*.

Variation
of terms of
take-over
bid or
issuer bid

(3) Where the terms of a take-over bid or an issuer bid are varied before the expiration thereof by increasing the consideration offered for the securities, the offeror shall pay such increased consideration to each offeree whose securities are taken up and paid for pursuant to the take-over bid or issuer bid, whether or not such securities have been taken up by

the offeror before the variation of the take-over bid or issuer bid.

(4) Where a take-over bid for all the voting securities ^{Idem} owned by offerees is converted, by amendments or otherwise, to a bid for less than all the voting securities owned by offerees, the take-over bid shall be deemed conclusively to be for less than all the voting securities owned by offerees. R.S.O. 1970, c. 426, s. 84, *amended*.

93. All holders of the same class of securities shall be ^{Premium prohibited} paid the same price and no collateral agreement with any part of such holders shall have the effect, directly or indirectly, of offering such holders a price greater than the take-over bid price or issuer bid price for their securities. *New*.

94. A take-over bid, a varied take-over bid, an issuer bid or a varied issuer bid shall be sent by prepaid mail to the offerees and shall be deemed conclusively to have been dated as of the date on which it was mailed. R.S.O. 1970, c. 426, s. 83, *amended*. ^{Sending by mail}

95. Where a take-over bid or an issuer bid provides that the consideration for the securities deposited pursuant thereto is to be paid in cash or partly in cash, the offeror shall make adequate arrangements to ensure that the required funds are available to effect payment in full for all securities owned by offerees that the offeror has offered to purchase pursuant to the take-over bid. R.S.O. 1970, c. 426, s. 85. ^{Consideration in cash}

96.—(1) A take-over bid circular shall form part of or ^{Take-over bid circular} accompany a take-over bid.

(2) Every take-over bid circular shall be in the form ^{Content} and shall contain the information prescribed by this Part and the regulations.

(3) Where a take-over bid provides that the consideration for the securities of the offeree company is to be, in whole or in part, securities of an issuer, the take-over bid circular shall contain the additional information prescribed by the regulations. R.S.O. 1970, c. 426, s. 86, *amended*. ^{Consideration in securities}

97.—(1) An issuer bid circular shall form part of or ^{Issuer bid circular} accompany an issuer bid.

(2) Every issuer bid circular shall be in the form and shall ^{Contents} contain the information prescribed by this Part and the regulations.

(3) Where an issuer bid provides that the consideration for the securities is to be, in whole or in part, other securities ^{Consideration in securities}

of the issuer the issuer bid circular shall contain the additional information prescribed by the regulations. *New.*

Directors' circular

98.—(1) The board of directors of an offeree company shall send a directors' circular to each offeree not later than seven days from the date of the take-over bid prepared in accordance with the regulations. R.S.O. 1970, c. 426, s. 87 (1), *amended.*

Recommendation by board

(2) The board of directors may include in a directors' circular a recommendation to accept or to reject a take-over bid if it sees fit to do so. *New.*

Recommendation by individual director

(3) An individual director or officer may recommend to the offerees acceptance or rejection of the take-over bid made to such offerees if the director or officer sends to each offeree with his communication a circular prepared in accordance with the regulations. R.S.O. 1970, c. 426, s. 87 (4), *amended.*

Advising of consideration

(4) Where a board of directors is considering recommending acceptance or rejection of a take-over bid, it shall, at the time of sending a director's circular, advise the offerees of this fact and shall advise them not to tender their securities until further communication is received from the directors. R.S.O. 1970, c. 426, s. 87 (2), *amended.*

Advising of decision of directors

(5) Where the board of directors sends a communication under subsection 4, it shall communicate the recommendation or the decision not to make a recommendation to the offerees at least seven days prior to the expiry of the offer. R.S.O. 1970, c. 426, s. 87 (3), *amended.*

Service

(6) All communications required or permitted by this section shall be sent to each offeree by prepaid mail to his latest address as shown on the books of the offeree company. R.S.O. 1970, c. 426, s. 87 (5).

Circulation of recommendation of individual director

(7) Where an individual director or officer submits a recommendation prepared in accordance with subsection 3 to the board of directors prior to the board of directors sending the directors' circular required by subsection 1, or the further communication permitted by subsection 5, the board of directors shall send a copy of the recommendation of the individual director or officer to the offerees together with the circular or further communication. *New.*

Approval of circulars

99.—(1) Where a take-over bid is made by or on behalf of an issuer, the contents of the take-over bid circular shall be approved and the delivery thereof authorized

by the directors of the issuer. R.S.O. 1970, c. 426, s. 89 (1), *amended*.

(2) Where a take-over bid is made by or on behalf ^{Idem} of an issuer, the take-over bid circular shall contain a statement that the contents thereof have been approved and the delivery thereof authorized by the directors of the issuer. R.S.O. 1970, c. 426, s. 93.

(3) The contents of a directors' circular shall be ap- ^{Idem} proved and the delivery thereof authorized by the directors of the offeree company. R.S.O. 1970, c. 426, s. 89 (2), *amended*.

100. The issuer bid circular shall be approved and the ^{Idem} delivery thereof authorized by the directors of the issuer. *New*.

101. Upon an application by a person or company, the ^{Deeming offers exempt} Commission may exempt, subject to such terms and conditions as it may impose, the person or company from any requirement of this Part where in its opinion it would not be prejudicial to the public interest to do so. R.S.O. 1970, c. 426, s. 90, *amended*.

102. The identity of the offeror shall be disclosed in a take- ^{Naming of offeror} over bid circular. 1971, c. 31, s. 27, *amended*.

PART XX

INSIDER TRADING AND SELF-DEALING

103.—(1) In this Part,

^{Interpre-}
^{tation}

- (a) "mutual fund" means a mutual fund that is a reporting issuer;
- (b) "related mutual funds" includes more than one mutual fund under common management;
- (c) "related person or company" in relation to a mutual fund means a person in whom, or a company in which, the mutual fund, its management company and its distribution company are prohibited by the provisions of this Part from making any investment.

(2) For the purpose of this Part,

^{Idem}

- (a) any issuer in which a mutual fund holds in excess of 10 per cent of the voting securities or in which the

mutual fund and related mutual funds hold in excess of 20 per cent of the voting securities shall be deemed to be a related person or company of that mutual fund or of each of those mutual funds;

- (b) the acquisition or disposition by an insider of a put, call or other transferable option with respect to a security shall be deemed a change in the beneficial ownership of the security to which such put, call or other transferable option relates; and
- (c) for the purpose of reporting under section 104 or 105, ownership shall be deemed to pass at such time as an offer to sell is accepted by the purchaser or his agent or an offer to buy is accepted by the vendor or his agent. R.S.O. 1970, c. 426, s. 109, *amended*.

Report

104.—(1) A person or company who becomes an insider of a reporting issuer, other than a mutual fund, shall, within ten days after the end of the month in which he becomes an insider, file a report as of the day on which he became an insider disclosing any direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer as may be required by the regulations.

Idem

(2) A person or company who has filed or is required to file a report under this section or any predecessor thereof and whose direct or indirect beneficial ownership of or control or direction over securities of the reporting issuer changes from that shown or required to be shown in the report or in the latest report filed by him under this section or any predecessor thereof shall, within ten days following the end of the month in which the change takes place, if he was an insider of the reporting issuer at any time during such month, file a report of his direct or indirect beneficial ownership of or his control or direction over securities of the reporting issuer at the end of the month and the change or changes therein that occurred during said month giving such details of each transaction as may be required by the regulations. R.S.O. 1970, c. 426, s. 110 (1, 2), *amended*.

Idem

(3) A person or company who becomes an insider of a reporting issuer by reason of subsection 8 or 9 of section 1 shall file the reports required by subsections 1 and 2 of this section for the previous six months or such shorter period that he was a director or officer of the reporting issuer within ten days after the end of the month that the issuer became an insider of a reporting issuer or the reporting issuer became

an insider of another reporting issuer as the case may be.
New.

105.—(1) Where a person or company becomes the beneficial owner, directly or indirectly, of voting securities of a reporting issuer carrying 20 per cent or more of the voting rights attached to all voting securities for the time being outstanding, through purchases effected through a take-over bid or issuer bid exempted from the requirements of Part XIX by subsection 2 or subsection 3 of section 90, such person or company shall file a report as of the day on which he acquired the ownership within three days of acquiring such 20 per cent ownership. ^{Report of offeror}

(2) A person or company who is the beneficial owner, ^{Idem} directly or indirectly, of voting securities of a reporting issuer carrying 20 per cent or more of the voting rights attached to all voting securities for the time being outstanding shall, within three days of purchasing further voting securities carrying an additional 5 per cent of the voting rights, file a report as of the day on which he acquired an additional 5 per cent of the voting rights and thereafter each time he acquires a further 5 per cent.

(3) Where the facts required to be reported by this section are identical to those required under section 104, a separate report under section 104 is not required. 1971, c. 31, s. 33, *amended*. ^{Idem}

106. No insider of a reporting issuer shall transfer or cause to be transferred any securities of the reporting issuer into the name of an agent, nominee or custodian without delivering to the Commission a report of such transfer in accordance with the regulations except for a transfer for the purpose of giving collateral for a *bona fide* debt. *New.* ^{Report of transfer by insider}

107. Where voting securities are registered in the name of a person or company other than the beneficial owner and the person or company knows or ought to know after reasonable inquiry that they are beneficially owned by an insider he shall file a report in accordance with the regulations except where the transfer was for the purpose of giving collateral for a *bona fide* debt or the insider has reported and remains the beneficial owner of the securities. *New.* ^{Report of transfer by insider}

108. For the purposes of sections 109, 110, 111, 112, 113 and 114, ^{Interpretation}

- (a) "investment" means a purchase of any security of any class of securities of an issuer including bonds, debentures, notes, or other evidences of indebted-

ness thereof, and a loan to persons or companies but does not include an advance or loan, whether secured or unsecured, that is made by a mutual fund, its management company or its distribution company that is merely ancillary to the main business of the mutual fund, its management company or its distribution company;

(b) a person or company or a group of persons or companies has a significant interest in an issuer, if,

(i) in the case of a person or company, he or it, as the case may be, owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons or companies, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the outstanding shares or units of the issuer;

(c) a person or company or a group of persons or companies is a substantial security holder of an issuer if that person or company or group of persons or companies owns beneficially, either individually or together or directly or indirectly, voting securities to which are attached more than 20 per cent of the voting rights attached to all the voting securities of the issuer for the time being outstanding, but in computing the percentage of voting rights attached to voting securities owned by an underwriter, there shall be excluded any voting securities acquired by him as underwriter in a distribution of such securities but such exclusion ceases to have effect on completion or cessation of the distribution by him;

(d) where a person or company or group of persons or companies owns beneficially, directly or indirectly, or pursuant to this clause is deemed to own beneficially, voting securities of an issuer, that person or company or group of persons or companies shall be deemed to own beneficially a proportion of voting securities of any other issuer that are owned beneficially, directly or indirectly, by the first mentioned issuer, which proportion shall equal the proportion of the voting securities

of the first mentioned issuer that are owned beneficially, directly or indirectly, or that pursuant to this clause are deemed to be owned beneficially, by that person or company or group of persons or companies. *New.*

109.—(1) No mutual fund shall knowingly make an investment by way of loan to, Loans of mutual funds

- (a) any officer or director of the mutual fund, its management company or distribution company or an associate of any of them;
- (b) any individual, where the individual or an associate of the individual is a substantial security holder of the mutual fund, its management company or distribution company.

(2) No management company or distribution company of a mutual fund shall knowingly make an investment by way of loan to, Loans of management or distribution companies

- (a) any officer or director of the mutual fund or an associate of any of them; or
- (b) any individual, where the individual or associate of the individual is a substantial security holder of the mutual fund.

(3) No mutual fund, its management company or distribution company shall knowingly make an investment, Investments of mutual funds, etc.

- (a) in any person or company who is a substantial security holder of the mutual fund, its management company or distribution company;
- (b) in any person or company in which the mutual fund, alone or together with one or more related mutual funds, is a substantial security holder; or
- (c) in an issuer in which,
 - (i) any officer or director of the mutual fund, its management company or distribution company or an associate of any of them, or
 - (ii) any person or company who is a substantial security holder of the mutual fund, its management company or its distribution company,

has a significant interest.

Divesting of
prohibited
loans and
investments

(4) No mutual fund or its management company or its distribution company shall knowingly hold an investment made after the coming into force of this Act that is an investment described in this section. *New.*

Limitation
on mutual
fund
investment

110.—(1) Subject to subsection 2, no mutual fund shall purchase securities of any class of an issuer if after the purchase,

- (a) the holdings of the mutual fund exceed 10 per cent of the outstanding securities of that class by number or the holdings of the mutual fund and of related mutual funds exceed 20 per cent of the outstanding securities of that class by number or, in the case of debt securities maturing more than one year from the date of issue, holdings of the mutual fund exceed 10 per cent of the principal amount of the total outstanding debt securities of the issuer or the holdings of the mutual fund and of related mutual funds exceed 20 per cent out of the principal amount of the total outstanding debt securities of the issuer; or
- (b) the holdings of the mutual fund of all of the securities of the issuer exceed 10 per cent by value of the net asset value of such mutual fund.

Exception

(2) A mutual fund may purchase securities in excess of the limits in subsection 1 if the security is,

- (a) a mortgage upon real property, other than a mortgage contained in or secured by a bond, debenture or similar obligation in a trust deed or other instrument to secure bonds or debentures or similar obligations; or
- (b) negotiable promissory notes or other money market instruments maturing not more than six months from the date of issue. *New.*

Indirect
investment

111. No mutual fund or its management company or its distribution company shall knowingly enter into any contract or other arrangement that results in its being directly or indirectly liable or contingently liable in respect of any investment by way of loan to, or other investment in, a person or company to whom it is by section 109 prohibited from making a loan or in which it is prohibited from making any other investment, and for the purpose of section 109 any such contract or other arrangement shall be deemed to be a loan or an investment, as the case may be. *New.*

112. Upon an application of an interested person or company, the Commission may, where it is satisfied, ^{Relieving orders}

- (a) that a class of investment or a particular investment represents the business judgment of responsible persons uninfluenced by considerations other than the best interests of a mutual fund; or
- (b) that a particular investment is in fact in the best interests of a mutual fund,

order, subject to such terms and conditions as it may impose, that section 109, 110 or 111 does not apply to the class of investment, particular investment, contract or other arrangement, as the case may be. *New.*

113. Notwithstanding clause *d* of section 108, a mutual fund, its management company or its distribution company is not prohibited from making an investment in an issuer only because a person or company or a group of persons or companies who own beneficially, directly or indirectly, or are deemed to own beneficially, voting securities of the mutual fund or its management company or its distribution company are by reason thereof deemed to own beneficially voting securities of the issuer. *New.* ^{Exception to s. 108 (d)}

114.—(1) No mutual fund shall make any investment in consequence of which a related person or company of the mutual fund will receive any fee or other compensation except fees paid pursuant to a contract which is disclosed in any preliminary prospectus or prospectus, or any amendment to either of them, that is filed by the mutual fund and is accepted by the Director. ^{Fees on investment}

(2) The Commission may, upon the application of a mutual fund and where it is satisfied that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection 1 does not apply to the mutual fund. *New.* ^{Relieving orders}

115.—(1) Every person or company responsible for the management of a mutual fund shall exercise the powers and discharge the duties of its office honestly, in good faith and in the best interests of the mutual fund, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in the circumstances. ^{Standard of care for management of mutual fund}

(2) For the purposes of subsection 1, a person or company is responsible for the management of a mutual fund if he ^{Idem}

has legal power or right to control the mutual fund or if in fact he is able to do so. *New.*

Filing by
management
companies

116.—(1) Every management company shall file a report prepared in accordance with the regulations of,

- (a) every transaction of purchase or sale of securities between the mutual fund and any related person or company;
- (b) every loan received by the mutual fund from, or made by the mutual fund to, any of its related persons or companies;
- (c) every purchase or sale effected by the mutual fund through any related person or company with respect to which the related person or company received a fee either from the mutual fund or from the other party to the transaction or from both; and
- (d) any transaction in which, by arrangement other than an arrangement relating to insider trading in portfolio securities, the mutual fund is a joint participant with one or more of its related persons or companies,

in respect of each mutual fund to which it provides services or advice, within thirty days after the end of the month in which it occurs.

Relieving
orders

(2) The Commission may, upon the application of the management company of a mutual fund and where it is of the opinion that it would not be prejudicial to the public interest to do so, order, subject to such terms and conditions as it may impose, that subsection 1 does not apply to any transaction or class of transactions. *New.*

"Responsible
person"
defined

117.—(1) In this section, "responsible person" means a portfolio manager and every individual who is a partner, director or officer of a portfolio manager together with every affiliate of a portfolio manager and every individual who is a director, officer or employee of such affiliate or who is an employee of the portfolio manager, if the affiliate or the individual participates in the formulation of, or has access prior to implementation to investment decisions made on behalf of or the advice given to the client of the portfolio manager.

Interest of
manager in
investment
portfolio

(2) The portfolio manager shall not knowingly cause any investment portfolio managed by it to,

- (a) invest in any issuer in which a responsible person or an associate of a responsible person is an officer or director unless the specific fact is disclosed to the client and the written consent of the client to the investment is obtained before the purchase;
 - (b) purchase or sell the securities of any issuer from or to the account of a responsible person, any associate of a responsible person or the portfolio manager; or
 - (c) make a loan to a responsible person or an associate of a responsible person or the portfolio manager.
- New.*

118. No person or company who has access to information concerning the investment program of a mutual fund or the investment portfolio managed for a client by a portfolio manager shall purchase or sell securities of an issuer for his or its account where the portfolio securities of the mutual fund or the investment portfolio managed for a client by a portfolio manager include securities of that issuer and where the information is used by the person or company for his or its direct benefit or advantage. *New.*

Trades by
mutual
fund
insiders

119. The Commission shall summarize in or as a part of a monthly periodical available to the public on payment of a reasonable fee the information contained in every report filed in compliance with this Part. R.S.O. 1970, c. 426, s. 111 (2).

Publication
of summaries
of reports

120.—(1) Where the laws of the jurisdiction in which the reporting issuer is incorporated, organized or continued require substantially the same reports in that jurisdiction as are required by this Part, the filing requirements of this Part may be complied with by filing the reports required by the laws of such jurisdiction manually signed or certified in accordance with the regulations. *New.*

Filing
in other
jurisdiction

(2) Subject to subsection 1, upon the application of an interested person or company, the Commission may,

Exemptions
by order of
Commission

- (a) if a requirement of this Part conflicts with a requirement of the laws of the jurisdiction under which the reporting issuer is incorporated, organized or continued; or
- (b) if otherwise satisfied in the circumstances of the particular case that there is adequate justification for so doing,

make an order on such terms and conditions as seem to the Commission just and expedient, exempting in whole or in part, a person or company from the requirements of this Part. R.S.O. 1970, c. 426, s. 116 (1), *amended*.

PART XXI

ENFORCEMENT

Offences,
general

121.—(1) Every person or company who,

- (a) makes a statement in any material, evidence or information submitted or given under this Act or the regulations to the Commission, its representative, the Director or any person appointed to make an investigation or audit under this Act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (b) makes a statement in any application, release, report, preliminary prospectus, prospectus, return, financial statement, information circular, take-over bid circular or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is a misrepresentation;
- (c) contravenes this Act or the regulations; or
- (d) fails to observe or to comply with any direction, decision, ruling, order or other requirement made under this Act or the regulations,

is guilty of an offence and on summary conviction is liable, in the case of a person, other than an individual, or company, to a fine of not more than \$25,000 and, in the case of an individual, to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Defence

(2) No person or company is guilty of an offence under clause *a* or *b* of subsection 1 if he or it, as the case may be, did not know and in the exercise of reasonable diligence could not have known that the statement was a misrepresentation.

Directors
and
officers

(3) Where a company or a person other than an individual is guilty of an offence under subsection 1, every director or

officer of such company or person who authorized, permitted, or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year. R.S.O. 1970, c. 426, s. 137 (1-3), *amended*.

122. No proceedings under section 121 shall be instituted except with the consent or under the direction of the Minister. R.S.O. 1970, c. 426, s. 138 (1). Consent of Minister

123. An information in respect of any contravention of this Act may be for one or more offences, and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S.O. 1970, c. 426, s. 139. Information containing more than one offence

124.—(1) Where a provincial judge, magistrate or justice of another province or territory of Canada issues a warrant for the arrest of any person on a charge of contravening any provision of a statute of such province or territory similar to this Act, any provincial judge or justice of Ontario within whose jurisdiction that person is or is suspected to be, may, upon satisfactory proof of the handwriting of the provincial judge, magistrate or a justice who issued the warrant, make an endorsement thereon in the form prescribed by the regulations, and a warrant so endorsed is sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all constables within the territorial jurisdiction of the provincial judge or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario. Execution of warrant issued in another province

(2) Any constable of Ontario or of any other province or territory of Canada who is passing through Ontario having in his custody a person arrested in another province or territory under a warrant endorsed under subsection 1 is entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. R.S.O. 1970, c. 426, s. 149. Prisoner in transit

125.—(1) Where it appears to the Commission that any person or company has failed to comply with or is violating any decision or any provision of this Act or the regulations, the Commission may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights it may have, apply to a judge of the High Court for an order, Order for compliance

- (a) directing the person or company to comply with the decision or provision or restraining the person or company from violating the decision or provision; and
- (b) directing the directors and senior officers of the person or company to cause the person or company to comply with or to cease violating the decision or provision,

and upon the application the judge may make such order, or such other order as he thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1. R.S.O. 1970, c. 426, s. 143, *amended*.

Order to cease trading

126.—(1) The Commission may, where in its opinion such action is in the public interest, order, subject to such terms and conditions as it may impose, that trading shall cease in respect of any securities for such period as is specified in the order. R.S.O. 1970, c. 426, s. 144 (1).

Idem

(2) The Commission may issue a cease trading order under subsection 1 notwithstanding the delivery of a report to it pursuant to subsection 3 of section 76. *New*.

Temporary order

(3) No order shall be made under subsection 1 or 2 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event the Commission may make a temporary order, which shall not be for longer than fifteen days from the date of the making thereof, but the order may be extended for such period as the Commission considers necessary where satisfactory information is not provided to the Commission within the fifteen day period. R.S.O. 1970, c. 426, s. 144 (2), *amended*.

Commission's discretion to remove exemptions

127.—(1) The Commission may, where in its opinion such action is in the public interest, order, subject to such terms and conditions as it may impose, that any or all of the exemptions contained in sections 35, 73 and 74 do not apply to the person or company named in the order.

Temporary order and hearing

(2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Commission the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall not be for longer than fifteen days from the date of the making thereof unless the hearing is com-

menced in which case the Commission may extend the order until the hearing is concluded.

(3) Notice of a temporary order made under subsection 2 ^{Notice} shall be given forthwith together with the notice of the hearing under subsection 2 to every person or company who in the opinion of the Commission is directly affected thereby. R.S.O. 1970, c. 426, s. 19 (5-7), *amended*.

128.—(1) No proceedings under this Part shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission. ^{Limitation period}

(2) No proceedings under this Act shall be commenced ^{Idem} before the Commission more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission. R.S.O. 1970, c. 426, s. 138 (2, 3), *amended*.

PART XXII

CIVIL LIABILITY

129.—(1) Where a prospectus together with any amendment to the prospectus contains a misrepresentation, a purchaser who purchases a security offered thereby shall be deemed to have relied on such misrepresentation and has a right of action for rescission or damages against, ^{Liability for misrepresentation in prospectus}

- (a) the issuer or selling security holder;
- (b) each underwriter of the securities who is required to sign the certificate required by section 60;
- (c) every director of the issuer at the time the prospectus or the amendment to the prospectus was filed;
- (d) every person or company whose consent has been filed pursuant to a requirement of the regulations but only with respect to statements or reports that have been made by them; and
- (e) every person or company who signed the prospectus or the amendment to the prospectus other than the persons or companies included in clauses *a* to *d*.

(2) No person or company is liable under subsection 1 if ^{Defence} he proves that the purchaser purchased the securities with knowledge of the misrepresentation.

Idem

(3) No person or company, other than the issuer or selling security holder, is liable under subsection 1 if he proves,

- (a) that the prospectus or the amendment to the prospectus was filed without his knowledge or consent, and that, on becoming aware of its filing, he forthwith gave reasonable general notice that it was so filed;
- (b) that, after the issue of a receipt for the prospectus and before the purchase of the securities by the purchaser, on becoming aware of any misrepresentation in the prospectus or an amendment to the prospectus he withdrew his consent thereto and gave reasonable general notice of such withdrawal and the reason therefor;
- (c) that, with respect to any part of the prospectus or the amendment to the prospectus purporting to be made on the authority of an expert or purporting to be a copy of an extract of a report or evaluation of an expert, he had no reasonable grounds to believe and did not believe that there had been a misrepresentation or that such part of the prospectus or the amendment to the prospectus did not fairly represent the statement of the expert or was not a fair copy of the extract from the report or evaluation of the expert; or
- (d) that, with respect to any part of the prospectus or the amendment to the prospectus purporting to be made on his own authority as an expert or purporting to be a copy of an extract from his own report or evaluation as an expert, he had, after reasonable investigation, reasonable grounds to believe and did believe that there had been no misrepresentation or that such part of the prospectus or the amendment to the prospectus did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or evaluation as an expert and on becoming aware of such use of his statement or report or evaluation he forthwith advised the Commission and gave reasonable general notice that such use had been made and that he would not be responsible for that part of the prospectus or the amendment to the prospectus.

Idem

(4) No person or company, other than the issuer, is liable under subsection 1 if he proves that, with respect to any part of the prospectus or the amendment to the prospectus not purporting to be made on the authority of an expert and not purporting to be a copy of an extract of a report or evaluation

of an expert, he had, after reasonable investigation, reasonable grounds to believe and did believe that there was no misrepresentation.

(5) No underwriter is liable for more than the total public offering price represented by the portion of the distribution underwritten by him. Limitation re underwriters

(6) In an action for damages pursuant to subsection 1, the defendant is not liable for all or any portion of such damages that he proves do not represent the depreciation in value of the security as a result of the misrepresentation relied upon. Limitation in action for damages

(7) All or any one or more of the persons or companies specified in subsection 1 are jointly and severally liable, and every person or company who becomes liable to make any payment under this section may recover a contribution from any person or company who, if sued separately, would have been liable to make the same payment. Joint and several liability

(8) In no case shall the amount recoverable under this section exceed the price at which the securities were offered to the public. Limitation re amount recoverable

(9) The right of action for rescission or damages conferred by this section is in addition to and without derogation from any other right the purchaser may have at law. R.S.O. 1970, c. 426, s. 142, *amended*. No derogation of rights

130.—(1) Where a take-over bid circular sent to the offerees of an offeree company as required by Part XIX contains a misrepresentation, every such offeree shall be deemed to have relied on such misrepresentation and has a right of action for rescission or damages against, Liability for misrepresentation in circular

(a) the offeror;

(b) every person who at the time the circular was signed was a director of the offeror; and

(c) each person who signed a certificate in a circular other than the persons included in clause b.

(2) Where a directors' circular or a director's or officer's circular sent to the offerees of an offeree company as required by Part XIX contains a misrepresentation, every such offeree shall be deemed to have relied on such misrepresentation and has a right of action for damages against every director or officer who signed the circular. Idem

- Idem (3) The provisions of subsection 1 apply *mutatis mutandis* where an issuer bid circular contains a misrepresentation.
- Defence (4) No person or company is liable under subsection 1, 2 or 3 if he proves that the offeree had knowledge of the misrepresentation.
- Idem (5) No person or company, other than the offeror, is liable under subsection 1, 2 or 3 if he proves,
- (a) that the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, as the case may be, was sent without his knowledge or consent and that, on becoming aware of it, he forthwith gave reasonable general notice that it was so sent;
 - (b) that, after the sending of the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, as the case may be, on becoming aware of any misrepresentation in the take-over bid circular, issuer bid circular, directors' circular or director's or officer's circular, he withdrew his consent thereto and gave reasonable general notice of the withdrawal and the reason therefor;
 - (c) that, with respect to every misrepresentation, he had, after reasonable investigation, reasonable grounds to believe and did believe the statement was true and that there was no omission to state a material fact;
 - (d) that, with respect to any part of the circular purporting to be a copy of an extract from a report, opinion, or statement of an expert, he had no reasonable grounds to believe and did not believe that there had been a misrepresentation or that such part of the circular did not fairly represent the report, opinion, or statement of the expert or was not a fair copy of an extract from the report, opinion or statement of the expert; or
 - (e) that, with respect to any part of the circular purporting to be made on his own authority as an expert or purporting to be a copy of an extract from his own report, opinion or statement as an expert, he had, after reasonable investigation, reasonable grounds to believe and did believe that there had been no misrepresentation, or that such part of the circular did not fairly represent his report, opinion or statement as an expert or was not a fair copy of or extract from his report, opinion or statement, and on becoming aware of such use of his

report, opinion or statement, he forthwith advised the Commission and gave reasonable general notice that such use had been made and that he would not be responsible for that part of the circular.

(5) The right of action for rescission or damages conferred by this section is in addition to and without derogation from any other right the offeree may have at law. 1971, c. 31, ss. 29, 45, *amended*. No
derogation
of rights

131. In determining what constitutes reasonable investigation or reasonable grounds for belief for the purposes of subsection 4 of section 129 and clause *c* of subsection 4 of section 130, the standard of reasonableness shall be that required of a prudent man in the circumstances of the particular case. *New*. Standard of
reason-
ableness

132. A person or company who trades in a security in violation of section 54, 66, 72, subsection 4, 5 or 7 of section 73 or section 96 is liable to his purchaser or offeree for rescission or damages. R.S.O. 1970, c. 426, s. 65; 1971, c. 31, s. 20, *amended*. Liability for
unlawful
trade

133.—(1) Every person or company who sells or purchases the securities of a reporting issuer with knowledge of a material change with respect to the reporting issuer that has not been generally disclosed and every person who informs the vendor or purchaser of the material change and every person who directly or indirectly provides the information is liable to compensate the purchaser or vendor of the securities for damages as a result of the trade unless, Liability
where
material
change
undisclosed

- (a) the person or company had reasonable grounds to believe that the material change had been generally disclosed;
- (b) the material change was known or ought reasonably to have been known to the purchaser or vendor; or
- (c) the person or company proves that he did not make use of knowledge of the material change in purchasing or selling the securities.

(2) Any person or company who has access to information concerning the investment program of a mutual fund that is a reporting issuer or the investment portfolio managed for a client by a portfolio manager and uses that information for his or its direct benefit or advantage to purchase or sell securities of an issuer for his or its account where the portfolio securities of the mutual fund or the investment portfolio managed for the client by a portfolio manager include securi- Idem

ties of that issuer is accountable to the mutual fund or the client of the portfolio manager, as the case may be, for any benefit or advantage received or receivable as a result of such purchase or sale.

Account-
ability for
gain

(3) Every person or company referred to in subsection 1 who is also an insider of the reporting issuer, or an associate or affiliate of such insider, is, in addition to the liability imposed by subsection 1, accountable to the reporting issuer for any benefit or advantage received or receivable by the insider or associate or affiliate. R.S.O. 1970, c. 426, s. 65; 1971, c. 31, s. 20, *amended*.

Liability
joint and
several

(4) The liability of the vendor or purchaser and any informer under subsection 1 is joint and several.

Measure of
damages

(5) The measure of damages under subsection 1 is,

- (a) if the plaintiff is a purchaser, the price that he paid for the security less the average market price of the security in the sixty-day trading period following general disclosure of the material change; and
- (b) if the plaintiff is a vendor, the average market price of the security in the sixty-day trading period following general disclosure of the material change less the price that he received for the security.

Action by
Commission
on behalf
of issuer

134.—(1) Upon application by the Commission or by any person or company who was at the time of a transaction referred to in subsection 1 of section 133 or is at the time of the application a security holder of the reporting issuer, a judge of the High Court may, if satisfied that,

- (a) the Commission or the person or company has reasonable grounds for believing that the reporting issuer has a cause of action under subsection 3 of section 133; and
- (b) either,
 - (i) the reporting issuer has refused or failed to commence an action under section 133 within sixty days after receipt of a written request from the Commission or such person or company so to do, or

- (ii) the reporting issuer has failed to prosecute diligently an action commenced by it under section 133,

make an order, upon such terms as to security for costs and otherwise as to the Judge seems fit, requiring the Commission or authorizing such person or company or the Commission to commence or continue an action in the name of and on behalf of the reporting issuer to enforce the liability created by subsection 3 of section 133.

(2) Upon the application by the Commission or any person or company who was at the time of a transaction referred to in subsection 2 of section 133 or is at the time of the application a security holder of the mutual fund, a judge of the High Court may, if satisfied that, Action by
Commission
on behalf
of mutual
fund

- (a) the Commission or the person or company has reasonable grounds for believing that the mutual fund has a cause of action under subsection 2 of section 133; and

(b) the mutual fund has either,

- (i) refused or failed to commence an action under subsection 2 of section 133 within sixty days after receipt of a written request from the Commission or the person or company so to do, or
- (ii) failed to prosecute diligently an action commenced by it under subsection 2 of section 133,

make an order, upon terms as to security for costs or otherwise as to the judge seems proper, requiring the Commission or authorizing the person or company or the Commission to commence and prosecute or to continue an action in the name of and on behalf of the mutual fund to enforce the liability created by subsection 2 of section 133.

(3) Where an action under subsection 2 or 3 of section 133 is, Costs

- (a) commenced;
- (b) commenced and prosecuted; or
- (c) continued,

by a board of directors of a reporting issuer, the trial judge or a judge of the High Court may order that the costs properly incurred by the board of directors in commencing, commencing and prosecuting or continuing the action, as the case may be, shall be paid by the reporting issuer, if he is satisfied that the action was *prima facie* in the best interests of the reporting issuer and the security holders thereof.

Action by
Commission
on behalf
of security
holder of the
reporting
issuer

(4) Where an action under subsection 2 or 3 of section 133 is,

- (a) commenced;
- (b) commenced and prosecuted; or
- (c) continued,

by a person or company who is a security holder of the reporting issuer, the trial judge or a judge of the High Court may order that the costs properly incurred by such person or company in commencing, commencing and prosecuting or continuing the action, as the case may be, shall be paid by the reporting issuer, if he is satisfied that,

- (d) the reporting issuer failed to commence the action or had commenced it but had failed to prosecute it diligently; and
- (e) the continuance of the action was *prima facie* in the best interests of the reporting issuer and the security holders thereof.

Idem

(5) Where an action under subsection 2 or 3 of section 133 is,

- (a) commenced;
- (b) commenced and prosecuted; or
- (c) continued,

by the Commission, the trial judge or a judge of the High Court shall order the reporting issuer to pay all costs properly incurred by the Commission in commencing, commencing and prosecuting or continuing the action, as the case may be.

Idem

(6) In determining whether an action or its continuance is *prima facie* in the best interests of a reporting issuer and the

security holders thereof, the judge shall consider the relationship between the potential benefit to be derived from the action by the reporting issuer and the security holders thereof and the cost involved in the prosecution of the action.

(7) Notice of every application under subsection 1 or 2 ^{Notice of application} shall be given to the Commission, the reporting issuer, and the mutual fund, as the case may be, and each of them may appear and be heard thereon.

(8) Every order made under subsection 1 or 2 requiring ^{Order to co-operate} or authorizing the Commission to commence and prosecute or continue an action shall provide that the reporting issuer or mutual fund, as the case may be, shall co-operate fully with the Commission in the commencement and prosecution or continuation of the action, and shall make available to the Commission all books, records, documents and other material or information known to the reporting issuer or mutual fund or reasonably ascertainable by the reporting issuer or mutual fund relevant to such action.

(9) An appeal lies to the Supreme Court from any order ^{Appeal} made under this section. *New.*

135.—(1) If subsection 1 of section 39 applies to a contract ^{Rescission of contract} and such subsection is not complied with, a person or company who has entered into the contract is entitled to rescission thereof by mailing or delivering written notice of rescission to the registered dealer within sixty days of the date of the delivery of the security to or by the person or company, as the case may be, but, in the case of a purchase by the person or company, only if he is still the owner of the security purchased.

(2) If clause *c* of subsection 1 of section 36 applies to a ^{Idem} contract and a registered dealer has failed to comply with such subsection by not disclosing that he acted as principal, a person or company who has entered into the contract is entitled to rescission thereof by mailing or delivering written notice of rescission to the registered dealer within seven days of the date of the delivery of the written confirmation of the contract. R.S.O. 1970, c. 426, s. 71 (1, 2), *amended.*

(3) For the purpose of subsection 2, a confirmation sent ^{Service} by prepaid mail shall be deemed conclusively to have been delivered to the person or company to whom it was addressed in the ordinary course of mail. *New.*

Onus	(4) In an action respecting a rescission to which this section applies, the onus of proving compliance with section 36 or 39 is upon the registered dealer.
Limitation period	(5) No action respecting a rescission shall be commenced under this section after the expiration of a period of ninety days from the date of the mailing or delivering the notice under subsection 1 or 2. R.S.O. 1970, c. 426, s. 71 (3, 4), <i>amended</i> .
Rescission of purchase of mutual fund security	136. —(1) Every purchaser of a security of a mutual fund may, where the amount of the purchase does not exceed the sum of \$50,000, rescind the purchase by notice given to the registered dealer from whom the purchase was made within forty-eight hours after receipt of the confirmation for a lump sum purchase or within sixty days after receipt of the confirmation for the initial payment under a contractual plan.
Idem	(2) The right to rescind a purchase made under a contractual plan may be exercised only with respect to payments scheduled to be made within the time specified in subsection 1 for rescinding a purchase made under a contractual plan.
Notice	(3) The notice mentioned in subsection 1 shall be in writing, and may be given by prepaid mail, telegram or other means.
Service	(4) A confirmation sent by prepaid mail shall be deemed conclusively to have been received in the ordinary course of mail by the person or company to whom it was addressed.
Reimbursement	(5) Every registered dealer from whom the purchase was made shall reimburse the purchaser who has exercised his right of rescission in accordance with this section for the amount of sales charges and fees relevant to the investment of the purchaser in the mutual fund in respect of the shares or units of which the notice of exercise of the right of rescission was given. <i>New</i> .
Limitation period for actions	137. —(1) Unless otherwise provided in this Act, no action shall be commenced to enforce a right created by this Part more than three years after the date of the transaction that gave rise to the liability.
Idem	(2) Subject to subsection 1, no action for rescission or damages created by section 129 or 130 shall be commenced more than 180 days after the plaintiff first had knowledge of the facts giving rise to the cause of action. <i>New</i> .

PART XXIII

GENERAL PROVISIONS

138. A statement as to,

- (a) the registration or non-registration of any person or company;
- (b) the filing or non-filing of any document or material required or permitted to be filed;
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, company, document or material; or
- (d) the date the facts upon which any proceedings are to be based first came to the knowledge of the Commission,

Admissi-
bility in
evidence of
certified
statements

purporting to be certified by the Commission or a member thereof or by the Director is, without proof of the office or signature of the person certifying, admissible in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. R.S.O. 1970, c. 426, s. 148, *amended*.

139. The Commission shall make all material filed under this Act or the regulations available for public inspection during its normal business hours. *New.*

Material
available
for
inspection

140.—(1) No action or other proceeding for damages shall be instituted against the Commission or any member thereof, or any officer, servant or agent of the Commission for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power. R.S.O. 1970, c. 426, s. 145 (1), *amended*.

Immunity of
Commission
and officers

(2) No person or company has any rights or remedies and no proceedings lie or shall be brought against any person or company for any act or omission done or omitted in compliance or intended compliance with any requirement, order or direction made or given under this Act or the regulations. *New.*

Immunity
re intended
compliance

141. The Lieutenant Governor in Council may make regulations,

Regulations

1. prescribing categories for persons and companies and the manner of allocating persons and companies to categories, and prescribing the form and content of prospectuses, preliminary prospectuses, *pro forma* prospectuses and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories;
2. prescribing the form and content of financial statements and interim financial statements required to be filed under this Act;
3. prescribing requirements respecting applications for registration and renewal of registration, and providing for the expiration of registrations;
4. classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,
 - i. investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,
 - ii. broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,
 - iii. broker-dealer, unless he is a member of the Broker-Dealers' Association of Ontario;
5. regulating the listing and trading of securities and records relating thereto;
6. governing the furnishing of information to the public or to the Commission by a registrant in connection with securities or trades therein;
7. regulating the trading of securities other than on a stock exchange recognized by the Commission;
8. governing the keeping of accounts and records, the preparation and filing of financial statements of the affairs of the security issuers and the audit requirements with respect thereto;
9. respecting fees payable by an issuer to a management company as consideration for investment

- advice, alone or together with administrative or management services, provided by the management company to the mutual fund;
10. respecting sales charges imposed by a distribution company or contractual plan service company under a contractual plan on purchasers of shares or units of a mutual fund, and commissions to be paid to salesmen of shares or units of a mutual fund;
 11. designating any person or company or any class of persons or companies who shall not be required to obtain registration as an adviser;
 12. prescribing the fees payable to the Commission including fees for filing, fees upon applications for registration, fees in respect of audits made by the Commission and other fees in connection with the administration of this Act and the regulations;
 13. prescribing the documents, certificates, reports, releases, statements, agreements and other information and the form, content and other particulars relating thereto that are required to be filed, furnished or delivered under this Act and the regulations;
 14. prescribing the practice and procedure of investigations under sections 11 and 13;
 15. prescribing the forms for use under this Act and the regulations;
 16. prescribing trades or securities, in addition to the trades and securities referred to in section 35, in respect of which registration shall not be required;
 17. prescribing trades or securities, referred to in section 35 in respect of which there shall cease to be exemption from registration;
 18. prescribing trades or securities, in addition to the trades and securities referred to in sections 73 and 74, in respect of which section 54 does not apply;
 19. prescribing terms and conditions that shall be contained in an escrow or pooling agreement with respect to securities issued for a consideration other than cash;

20. prescribing the practice and procedure by which the Commission recognizes exempt purchasers under paragraph 4 of subsection 1 of section 35;
21. prescribing the information required or permitted to be distributed under subsection 2 of section 66;
22. respecting the matters referred to in clause *h* of subsection 2 of section 62, and, without limiting the generality of the foregoing, pertaining to requirements as to paid-up capital and surplus, liquidity of assets, ratios of debt to paid-up capital and surplus, audit procedures, the furnishing of interim financial statements and the provisions of trust indentures and the qualifications, rights, duties and obligations of trustees thereunder;
23. respecting the content and distribution of written, printed or visual material and advertising that may be distributed or used by a person or company with respect to a security whether in the course of distribution or otherwise;
24. prescribing the form and content of the reports to be filed under Part XX;
25. respecting any other matter necessary or advisable to carry out effectively the intent and purpose of Part XX;
26. prescribing the form and content of a take-over bid circular, issuer bid circular, directors' circular and a director's or officer's circular required by Part XIX;
27. prescribing a penalty for the early redemption of shares or units of a mutual fund;
28. prescribing the form and content of proxies, information circulars and reports required by Parts XVII and XVIII;
29. permitting the Commission or the Director to exempt any person or company from the provisions of the regulations or vary the provisions as they apply to any person or company. R.S.O. 1970, c. 426, s. 147; 1971, c. 31, s. 46, *amended*.

Commission's
discretion to
revoke or
vary its
decision

142. The Commission may, where in its opinion to do so would not be prejudicial to the public interest, make an order on such terms and conditions as it may impose revoking

or varying any decisions made by it under the Act or the regulations. *New.*

143. Every registration made and receipt for a prospectus issued under *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970 and in effect immediately before this Act comes into force, continues in the same manner as if made or issued under this Act. *New.* Continuation
of
registration

144. The following are repealed:

Repeal

1. *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970.
2. *The Securities Amendment Act, 1971*, being chapter 31.
3. *The Securities Amendment Act, 1973*, being chapter 11.
4. Section 55 of *The Government Reorganization Act, 1972*, being chapter 1.

145. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

146. This Act may be cited as *The Securities Act, 1977*. Short title

The Securities Act, 1977

1st Reading

April 5th, 1977

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Business Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

This Bill is complementary to a Bill to enact *The Securities Act, 1977*.

The provisions respecting insider trading and reporting are contained in *The Securities Act, 1977* and deleted from *The Business Corporations Act*. Similarly the provisions for the contents of financial statements for corporations that are offering their securities to the public are deleted and provided for in *The Securities Act, 1977*. Other changes are for the purpose of co-ordinating *The Business Corporations Act* with the new *Securities Act, 1977*.

BILL 21

1977

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 3 of subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1),
par. 3,
re-enacted

3. "associate", where used to indicate a relationship with any person, means,

- i. any body corporate of which such person beneficially owns, directly or indirectly, voting securities carrying more than 10 per cent of the voting rights attached to all securities of the company for the time being outstanding,
- ii. any partners of that person,
- iii. any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity, or
- iv. any relative of such person, including his spouse, or of his spouse who has the same home as such person.

- (2) Paragraph 13 of subsection 1 of the said section 1 is repealed. s. 1 (1),
par. 13,
repealed

- (3) Paragraph 15 of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1),
par. 15,
re-enacted

15. "individual" means a natural person, but does not include a partnership, unincorporated association,

unincorporated syndicate, unincorporated organization, trust, or a natural person in his capacity as trustee, executor, administrator or other legal personal representative.

s. 1 (1),
par. 19,
re-enacted

- (4) Paragraph 19 of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1972, chapter 138, section 1, is repealed and the following substituted therefor:

19. "officer" means the chairman, any vice-chairman of the board of directors, the president, any vice-president, the secretary, the assistant secretary, the treasurer, the assistant treasurer and the general manager of a corporation, and any other person designated an officer of a corporation by by-law or by resolution of the directors or any other individual who performs functions for a corporation similar to those normally performed by an individual occupying any such office.

s. 1 (1),
par. 25,
re-enacted

- (5) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

25. "senior officer" means,

- i. the chairman or a vice-chairman of the board of directors, the president, a vice-president, the secretary, the treasurer or the general manager of a corporation or any other individual who performs functions for a corporation similar to those normally performed by an individual occupying any such office, and
- ii. each of the five highest paid employees of a corporation, including any individual referred to in subparagraph i.

s. 1 (1),
amended

- (6) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1971, chapter 26, section 1, 1972, chapter 1, section 30, 1972, chapter 138, section 1 and 1974, chapter 26, section 1, is further amended by adding thereto the following paragraph:

27a. "voting security" means any security other than a debt security of an issuer carrying a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

s. 1 (6),
repealed

- (7) Subsection 6 of the said section 1 is repealed.

- (8) Clause *b* of subsection 9 of the said section 1, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 1, is repealed and the following substituted therefor: s. 1 (9) (b),
re-enacted

(b) any of its securities have been at any time since the 1st day of May, 1967, listed and posted for trading on any stock exchange in Ontario recognized by the Commission, regardless of when such listing and posting for trading commenced,

.

2. Section 41 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 14, is repealed. s. 41,
repealed

3. Clause *b* of subsection 2 of section 118 of the said Act is repealed and the following substituted therefor: s. 118 (2) (b),
re-enacted

(b) any solicitation by a person made under section 49 of *The Securities Act, 1977*; and 1977, c. ...

.

4. Section 148, as amended by the Statutes of Ontario, 1971, chapter 26, section 23, and sections 149, 150, 151 and 152 of the said Act are repealed. ss. 148-152,
repealed

- 5.—(1) Clause *a* of subsection 1 of section 172 of the said Act is amended by inserting after “incorporation” in the third line “reorganization or continuation, as the case may be” and by striking out “completed” in the seventh line. s. 172 (1) (a),
amended

- (2) Clause *b* of subsection 1 of the said section 172 is repealed and the following substituted therefor: s. 172 (1) (b),
re-enacted

(b) in the case of a corporation that is offering its securities to the public, the financial statement required to be filed under *The Securities Act, 1977* and the regulations thereunder relating separately to,

(i) the period that commenced on the date of incorporation, reorganization or continuation, as the case may be, and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last financial year and ended not more than six months before the annual meeting, as the case may be, and

(ii) the period covered by the financial year next preceding the last financial year, if any.

s. 172 (2),
re-enacted

- (3) Subsection 2 of the said section 172 is repealed and the following substituted therefor:

Designation
of state-
ments

- (2) It is not necessary to designate the statements referred to in clause *a* of subsection 1 as the statement of profit and loss, statement of surplus and balance sheet.

s. 173 (1)
(*a*, *k*, *l*),
repealed

- 6.—(1) Clause *a*, and clauses *k* and *l* as enacted by the Statutes of Ontario, 1971, chapter 26, section 26 and amended by 1972, chapter 138, section 50, of subsection 1 of section 173 of the said Act are repealed.

s. 173 (2),
amended

- (2) Subsection 2 of the said section 173, as amended by the Statutes of Ontario, 1972, chapter 138, section 50, is further amended by striking out "*h*, *k* and *l*" in the amendment of 1972 and inserting in lieu thereof "and *h*".

s. 173 (3, 4),
repealed

- (3) Subsections 3 and 4 of the said section 173 are repealed.

ss. 175, 176,
repealed

7. Sections 175 and 176 of the said Act are repealed.

s. 178 (3),
pars. 16,
18-21
repealed

- 8.—(1) Paragraph 16, and paragraphs 18 to 21 as enacted by the Statutes of Ontario, 1971, chapter 26, section 28, of subsection 3 of section 178 of the said Act are repealed.

s. 178 (4),
repealed

- (2) Subsection 4 of the said section 178, as enacted by the Statutes of Ontario, 1972, chapter 138, section 51, is repealed.

s. 179 (1),
amended

- 9.—(1) Subsection 1 of section 179 of the said Act is amended by inserting after "corporation" in the second line "to which clause *a* of subsection 1 of section 172 applies".

s. 179 (3),
amended

- (2) Subsection 3 of the said section 179 is amended by inserting after "corporation" in the second line "to which either clause *a* or *b* of subsection 1 of section 172 applies".

s. 185,
re-enacted

10. Section 185 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 30, is repealed and the following substituted therefor:

Interim
financial
statements
1977, c. ...

185.—(1) A corporation that is offering its securities to the public shall send to each shareholder a copy of an interim financial statement required to be filed under *The Securities Act*, 1977 and the regulations thereunder.

Distribution
to
shareholders

(2) The interim financial statement required by subsection 1 shall be sent by prepaid mail to each shareholder, within sixty days of the date to which it is made up, at his latest address as shown on the records of the corporation.

11. Subsection 2 of section 251 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 67, section 1, is amended by striking out "section 134 of *The Securities Act*" in the second and third lines and in the sixth and seventh lines and inserting in lieu thereof in each instance "sections 78 and 79 of *The Securities Act, 1977*". s. 251 (2),
amended
- 12.—(1) Subsection 2 of section 260 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 26, section 43, is repealed. s. 260 (2),
repealed
- (2) Subsection 3 of the said section 260 is amended by striking out "subsections 1 and 2" in the first line and inserting in lieu thereof "subsection 1". s. 260 (3),
amended
13. Subsection 2 of section 261 of the said Act is repealed and the following substituted therefor: s. 261 (2),
re-enacted
- (2) Where it appears to the Commission that any person or corporation to which section 117 or subsection 1 of section 118 applies has failed to comply with or is contravening any such provision, the Commission may, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention and in addition to any other rights it may have, apply to the court for an order, Idem
- (a) directing such person or corporation to comply with such provision or restraining such person or corporation from contravening such provision; and
- (b) directing the directors and senior officers of such person or corporation to cause such person or corporation to comply with or to cease contravening any such provision,
- and upon such application, the court may make such order or such other order as the court thinks fit.
14. Section 269 of the said Act is repealed and the following substituted therefor: s. 269,
re-enacted
269. Any person or corporation directly affected by a decision of the Commission under this Act may appeal to the Supreme Court and subsections 2 to 6 of section 9 of *The Securities Act, 1977* apply to the appeal, Appeal
from
Commission
1977, c. ...
15. Clause *c* of section 271 of the said Act is repealed. s. 271 (e),
repealed
16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
17. This Act may be cited as *The Business Corporations Amendment Act, 1977*. Short title

An Act to amend
The Business Corporations Act

1st Reading

April 5th, 1977

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Labour Relations Act

MR. HAGGERTY

EXPLANATORY NOTE

The purpose of the Bill is to provide a mechanism whereby the Minister can order parties to a strike or lock-out to end the strike or lock-out for a period of sixty days during which time the parties try to reach a settlement.

BILL 22

1977

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

47a.—(1) Notwithstanding any other provisions of this Act or any provision of a collective agreement, the Minister may, where a strike or lock-out, s. 47a,
enacted
Enjoining
of strike or
lock-out

- (a) affects an entire industry, trade or vocation or a substantial part thereof engaged in trade, commerce, transportation, transmission or communication or engaged in the production of goods for commerce; or

- (b) imperils the provincial health, safety or welfare,

order the parties to the strike or lock-out to enjoin such strike or lock-out for a period of sixty days from the date of the order.

- (2) Where an order has been issued under subsection 1, the Minister shall appoint a conciliation officer to confer with the parties and endeavour to effect a collective agreement. Conciliation
officer

- (3) Section 17 applies *mutatis mutandis* to a conciliation officer appointed under subsection 2. Application

- (4) Notwithstanding subsection 1 or the provisions of any other Act, where a report is given under subsection 3 of section 17 or subsection 5 of section 31 and the report indicates that the parties are unable to effect a collective agreement, the parties may continue to strike or Strike or
lock-out
may
continue

lock-out, as the case may be, without the taking of a new strike vote.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Labour Relations Amendment Act, 1977*.

An Act to amend
The Labour Relations Act

1st Reading

April 5th, 1977

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Education Act, 1974

MR. STONG

EXPLANATORY NOTE

This Bill defines "compulsory school age" and "special education" and guarantees every child of compulsory school age a right to an education. The Bill also transfers the establishing of special education programs from the discretion to the duty of a school board.

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Education Act, 1974*, ^{s. 1 (1), amended} being chapter 109, as amended by the Statutes of Ontario, 1976, chapter 50, section 1, is further amended by adding thereto the following paragraphs:

6a. "compulsory school age" includes every child who attains the age of six years on or before the first school day in September in any year and continues until he attains the age of sixteen years;

.

62a. "special education" means a program which includes facilities adequate to instruct a child who exhibits a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages.

2. The said Act is amended by adding thereto the following ^{s. 19a, enacted} section:

19a. Every child of compulsory school age has a right ^{Right to education} to an education.

3. Section 146 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 50, section 21, is further amended by ^{s. 146, amended} adding thereto the following paragraph:

17. establish, subject to the regulations, special education programs to provide special education services for children who require such services.

4. Paragraph 40 of subsection 1 of section 147 of the said Act is ^{s. 147 (1), par. 40, repealed} repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Education Amendment Act, 1977*.

An Act to amend
The Education Act, 1974

1st Reading

April 5th, 1977

2nd Reading

3rd Reading

MR. STONG

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

The Audit Act, 1977

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTE

The purpose of the Bill is to define the role and the responsibility of the Provincial Auditor. The Bill provides for the Auditor's status, scope of practice, reports and relationships to others.

The main provisions of the Bill are:

1. The Office of the Provincial Auditor is recognized, consisting of the Auditor, the Assistant Auditor and other staff.
2. The Auditor and Assistant Auditor are officers of the Assembly.
3. The Auditor is required to audit the accounts of the Consolidated Revenue Fund and to direct the performance of the audits of agencies of the Crown that are audited by auditors other than the Auditor. Such other auditors are required to report to the Auditor.
4. The auditors of Crown controlled corporations are required to deliver to the Auditor copies of their reports, their recommendations to management and copies of the audited financial statements of the agencies or corporations, as well as to provide full documentation and explanations to the Auditor in respect of their audits.
5. The Auditor is required to make an annual report to the Speaker of the Assembly who is to lay the report before the Assembly forthwith if it is in session or, if not, not later than the tenth day of the next session. The Auditor is also empowered to make special reports to the Speaker on matters that, in the opinion of the Auditor, should not be deferred until the annual report and these must also be laid before the Assembly forthwith by the Speaker.
6. In his annual report, the Auditor is required to report on the work of the Office of the Auditor, the examination of accounts of receipts and disbursements of public money, the statements of Assets and Liabilities, the Consolidated Revenue Fund and Revenue and Expenditure as reported in the Public Accounts, special warrants and Management Board orders authorizing payments in excess of appropriations, and such matters as, in the opinion of the Auditor, should be brought to the attention of the Assembly.
7. The Auditor is empowered to perform inspection audits in respect of payments of grants and may require a full accounting from the recipient of a grant. Obstruction of the Auditor or any member of the Office of the Auditor in the performance of an inspection audit is made an offence punishable on summary conviction.
8. When requested by the committee, the Auditor is required to attend at meetings of the standing Public Accounts Committee of the Assembly in order to assist the committee, and the Auditor is required to examine into and report on any matter referred to him by a resolution of the committee.

9. The Auditor is required to undertake special assignments required by the Assembly, by the standing Public Accounts Committee of the Assembly or by a minister of the Crown, but such assignments are not to take precedence over the Auditor's other work and the Auditor may decline an assignment from a minister if, in the opinion of the Auditor, the assignment might conflict with the other duties of the Auditor.
10. The Auditor is empowered to advise appropriate persons employed in the public service as to any matter that comes or that may come to the attention of the Auditor in the course of the exercise of his powers or the performance of his duties as Auditor.
11. Subject to the approval of the Board of Internal Economy, the Auditor is empowered to employ professional staff and other persons for the efficient operation of the Office of the Auditor, to determine the salary of the Assistant Auditor and the salaries and remuneration and terms and conditions of employment of the employees of the Office of the Auditor.
12. The employees of the Office of the Auditor are required to take oaths of office, secrecy and allegiance.
13. The Auditor, the Assistant Auditor and the full-time permanent and probationary employees of the Office of the Auditor are entitled to the same employee benefits under *The Public Service Act* as civil servants who are not within bargaining units and *The Public Service Superannuation Act* is made applicable to them.
14. Employees of the Office of the Auditor are prohibited from being candidates in federal, provincial or municipal elections, soliciting funds for any party or candidate, associating their position in the Office of the Auditor with any political activity.
15. Provision is made for an examination and report to the Board of Internal Economy and the Assembly as to the disbursements of the Office of the Auditor.
16. The estimates for the Office of the Auditor are to be prepared by the Auditor, reviewed by the Board of Internal Economy, laid before the Assembly, as altered by the Board, and referred by the Assembly to a committee of the Assembly for review.

BILL 24

1977

The Audit Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "agency of the Crown" means an association, authority, board, commission, corporation, council, foundation, institution, organization or other body,

(i) whose accounts the Auditor is appointed to audit by its shareholders or by its board of management, board of directors or other governing body,

(ii) whose accounts are audited by the Auditor under any other Act or whose accounts the Auditor is appointed by the Lieutenant Governor in Council to audit,

(iii) whose accounts are audited by an auditor, other than the Auditor, appointed by the Lieutenant Governor in Council, or

(iv) the audit of the accounts of which the Auditor is required to direct or to review under any other Act,

but does not include one that is not affected by *The Crown Agency Act*;

R.S.O. 1970,
c. 100

(b) "Assistant Auditor" means the Assistant Provincial Auditor;

(c) "Auditor" means the Provincial Auditor;

(d) "Board" means the Board of Internal Economy established under section 82 of *The Legislative Assembly Act*;

R.S.O. 1970,
c. 240

(e) "Crown controlled corporation" means a corporation that is not an agency of the Crown and having 50 per cent or more of its issued and outstanding shares vested in Her Majesty in right of Ontario or having the appointment of a majority of its board of directors made or approved by the Lieutenant Governor in Council;

1972, c. 3

(f) "fiscal year" has the same meaning as in *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*;

(g) "inspection audit" means an examination of accounting records;

(h) "Office of the Auditor" means the Office of the Provincial Auditor;

R.S.O. 1970,
c. 166

(i) "public money" has the same meaning as in *The Financial Administration Act. New.*

Office
of the
Auditor

2. The Office of the Provincial Auditor shall consist of the Auditor, the Assistant Auditor and such employees as may be required from time to time for the proper conduct of the business of the Office. *New.*

Provincial
Auditor

3. The Auditor shall be appointed as an officer of the Assembly by the Lieutenant Governor in Council on the address of the Assembly. R.S.O. 1970, c. 36, s. 1 (1), *amended.*

Tenure of
office and
removal

4. The Auditor may hold office until the end of the month in which he attains the age of sixty-five years and may be reappointed for a period not exceeding one year at a time until the end of the month in which he attains seventy years of age, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly. R.S.O. 1970, c. 36, s. 2, *amended.*

Salary of
Auditor

5.—(1) The Auditor shall be paid a salary within the highest range of salaries paid to deputy ministers in the Ontario civil service and is entitled to the privileges of office of a senior deputy minister.

Idem

(2) The salary of the Auditor, within the salary range referred to in subsection 1, shall be determined and reviewed annually by the Board.

Idem

(3) The salary of the Auditor shall be charged to and paid out of the Consolidated Revenue Fund and shall not

be reduced except on address of the Assembly. R.S.O. 1970, c. 36, s. 1 (2, 3), *amended*.

6.—(1) The Assistant Auditor shall be appointed as an ^{Assistant Auditor} officer of the Assembly by the Lieutenant Governor in Council upon the recommendation of the Auditor.

(2) The Assistant Auditor, under the direction of the ^{Idem} Auditor, shall assist in the exercise of the powers and the performance of the duties of the Auditor and, in the absence or inability to act of the Auditor, shall act in the place of the Auditor. R.S.O. 1970, c. 36, s. 3, *amended*.

7. The persons appointed as Auditor and Assistant Auditor ^{Qualifications} shall be persons who are licensed under *The Public Accountancy Act*. *New.* ^{R.S.O. 1970, c. 373}

8. The Provincial Auditor and the Assistant Provincial Auditor holding office under *The Audit Act*, being chapter 36 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force shall be deemed to be appointed under this Act. *New.* ^{Transitional}

9.—(1) The Auditor shall audit, on behalf of the Assembly and in such manner as the Auditor considers necessary, the accounts and records of the receipt and disbursement of public money forming part of the Consolidated Revenue Fund whether held in trust or otherwise. ^{Audit of Consolidated Revenue Fund} 1971, c. 54, s. 4, *amended*.

(2) Where the accounts and financial transactions of an agency of the Crown are not audited by another auditor, the Auditor shall perform the audit, and, notwithstanding any provision of any other Act, where the accounts and financial transactions of an agency of the Crown are audited by another auditor, the audit shall be performed under the direction of the Auditor and such other auditor shall report to the Auditor. ^{Audit of agencies of the Crown}

(3) Where the accounts of a Crown controlled corporation are audited other than by the Auditor, the person or persons performing the audit, ^{Audit of Crown controlled corporations}

- (a) shall deliver to the Auditor forthwith after completion of the audit a copy of their report of their findings and their recommendations to the management and a copy of the audited financial statements of the corporation;

(b) shall make available forthwith to the Auditor, when so requested by the Auditor, all working papers, reports, schedules and other documents in respect of the audit or in respect of any other audit of the corporation specified in the request;

(c) shall provide forthwith to the Auditor, when so requested by the Auditor, a full explanation of work performed, tests and examinations made and the results obtained, and any other information within the knowledge of such person or persons in respect of the corporation.

Additional
examination
and
investigation

(4) Where the Auditor is of the opinion that any information, explanation or document that is provided, made available or delivered to him by the auditor or auditors referred to in subsection 2 or 3 is insufficient, the Auditor may conduct or cause to be conducted such additional examination and investigation of the records and operations of the agency or corporation as the Auditor considers necessary. *New.*

Information
and access
to records

10. Every ministry of the public service and every agency of the Crown shall furnish the Auditor with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as the Auditor from time to time requires, and the Auditor shall be given access to all books, accounts, financial records, reports, files and all other papers, things or property belonging to or in use by the ministry or agency of the Crown and necessary to the performance of the duties of the Auditor under this Act. R.S.O. 1970, c. 36, s. 7, *amended.*

Accommoda-
tion in
ministries
and Crown
agencies

11. For the purposes of the exercise of his powers or the performance of his duties under this Act, the Auditor may station one or more members of the Office of the Auditor in any ministry of the public service and in any agency of the Crown and the ministry or agency shall provide such accommodation as is required for such purposes. R.S.O. 1970, c. 36, s. 10, *amended.*

Annual
report

12.—(1) The Auditor shall report annually to the Speaker of the Assembly after each fiscal year is closed and the Public Accounts are laid before the Assembly, but not later than the 31st day of December in each year unless the Public Accounts are not laid before the Assembly by that day, and may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor should not be deferred until the annual report, and the Speaker shall lay each such report before the Assembly

forthwith if it is in session or, if not, not later than the tenth day of the next session.

(2) In his annual report in respect of each fiscal year, ^{Contents of report} the Auditor shall report on,

- (a) the work of the Office of the Auditor;
- (b) the examination of accounts of receipts and disbursements of public money;
- (c) the examination of the statements of Assets and Liabilities, the Consolidated Revenue Fund and Revenue and Expenditure as reported in the Public Accounts, and shall express an opinion as to whether the statements present fairly the financial position of the Province, the results of its operations and the changes in its financial position in accordance with the accounting principles stated in the Public Accounts applied on a basis consistent with that of the preceding fiscal year;
- (d) all special warrants issued to authorize payments, stating the date of each special warrant, the amount authorized and the amount expended;
- (e) all orders of the Management Board of Cabinet made to authorize payments in excess of appropriations, stating the date of each order, the amount authorized and the amount expended;
- (f) such matters as, in the opinion of the Auditor, should be brought to the attention of the Assembly including, without limiting the generality of the foregoing, any matter related to the audit of agencies of the Crown or Crown controlled corporations or any cases where the Auditor has observed that,
 - (i) accounts were not properly kept or public money was not fully accounted for,
 - (ii) essential records were not maintained or the rules and procedures applied were not sufficient to safeguard and control public property or to effectively check the assessment, collection and proper allocation of revenue or to ensure that expenditures were made only as authorized,

- (iii) money was expended other than for the purposes for which it was appropriated,
- (iv) money was expended without due regard to economy and efficiency, or
- (v) where procedures could be used to measure and report on the effectiveness of programs, the procedures were not established or, in the opinion of the Auditor, the established procedures were not satisfactory. R.S.O. 1970, c. 36, s. 20; 1971, c. 54, s. 5, *amended*.

Inspection
audit

13.—(1) The Auditor may perform an inspection audit in respect of a payment in the form of a grant from the Consolidated Revenue Fund or an agency of the Crown and may require a recipient of such a payment to prepare and to submit to the Auditor a financial statement that sets out the details of the disposition of the payment by the recipient.

Obstruction
of Auditor

(2) No person shall obstruct the Auditor or any member of the Office of the Auditor in the performance of an inspection audit or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection audit.

Offence

(3) Every person who knowingly contravenes subsection 2 and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem,
corporation

(4) Where a corporation is convicted of an offence under subsection 3, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. *New.*

Examination
on oath

14. The Auditor may examine any person on oath on any matter pertinent to any account subject to audit by the Auditor or in respect of any inspection audit by the Auditor and for the purpose of such an examination the Auditor has the powers conferred upon a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the examination as if it were an inquiry under that Act. R.S.O. 1970, c. 36, s. 22, *amended*.

1971, c. 49

Proviso

15. Nothing in this Act shall be construed to require the Auditor,

- (a) to report on any matter that, in the opinion of the Auditor, is immaterial or insignificant; or
- (b) to audit or direct the audit of or report on the accounts of a body not referred to in this Act in the absence of such a requirement in any other Act in respect of the body. R.S.O. 1970, c. 36, s. 21, *amended*.

16. At the request of the standing Public Accounts Committee of the Assembly, the Auditor and any member of the Office of the Auditor designated by the Auditor shall attend at the meetings of the committee in order,

Attendance
at standing
Public
Accounts
Committee
of the
Assembly

- (a) to assist the committee in planning the agenda for review by the committee of the Public Accounts and the annual report of the Auditor; and
- (b) to assist the committee during its review of the Public Accounts and the annual report of the Auditor,

and the Auditor shall examine into and report on any matter referred to him in respect of the Public Accounts by a resolution of the committee. *New*.

17. The Auditor shall perform such special assignments as may be required by the Assembly, the standing Public Accounts Committee of the Assembly, by resolution of the committee, or by a minister of the Crown in right of Ontario but such special assignments shall not take precedence over the other duties of the Auditor under this Act and the Auditor may decline an assignment by a minister of the Crown that, in the opinion of the Auditor, might conflict with the other duties of the Auditor. *New*.

Special
assignments

18. The Auditor may advise appropriate persons employed in the public service of Ontario as to any matter that comes or that may come to the attention of the Auditor in the course of the exercise of his powers or the performance of his duties as Auditor. *New*.

Power to
advise

19. Audit working papers of the Office of the Auditor shall not be laid before the Assembly or any committee of the Assembly. *New*.

Audit
working
papers

20.—(1) Subject to the approval of the Board and to sections 22, 25 and 26, the Auditor may employ such professional staff and other persons as the Auditor considers necessary for the efficient operation of the Office of the

Staff

Auditor and may determine the salary of the Assistant Auditor and the salaries and remuneration, which shall be comparable to the salary ranges of similar positions or classifications in the public service of Ontario, and the terms and conditions of employment of the employees of the Office of the Auditor. R.S.O. 1970, c. 36, s. 4, *amended*.

Transition
of staff

(2) On the day this Act comes into force, the members of the public service of Ontario who are employed on the staff of the Auditor shall cease to be employed in the public service and each such person shall become an employee of the Office of the Auditor at a salary of not less than he was receiving on the day immediately before the day this Act comes into force. *New*.

Oath of
office and
secrecy and
oath of
allegiance

21.—(1) Every employee of the Office of the Auditor, before performing any duty as an employee of the Auditor, shall take and subscribe before the Auditor or a person designated in writing by the Auditor,

(a) the following oath of office and secrecy:

I,, do swear (or solemnly affirm) that I will faithfully discharge my duties as an employee of the Provincial Auditor and will observe and comply with the laws of Canada and Ontario and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Auditor.

So help me God. (Omit this line in an affirmation)

(b) the following oath of allegiance:

I,, do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning sovereign for the time being*), her heirs and successors according to law.

So help me God. (Omit this line in an affirmation)

Idem

(2) The Auditor may require any person or class of persons appointed to assist the Auditor for a limited period of time or in respect of a particular matter to take and subscribe either or both of the oaths set out in subsection 1.

Record
of oaths

(3) A copy of each oath administered to an employee of the Office of the Auditor under subsection 1 shall be kept in the file of the employee in the Office of the Auditor.

Cause for
dismissal

(4) The failure of an employee of the Office of the Auditor to take and subscribe or to adhere to either of the oaths

required by subsection 1 may be considered as cause for dismissal. *New.*

22.—(1) The employee benefits applicable from time to time pursuant to *The Public Service Act* to civil servants who are not within a unit of employees established for collective bargaining under any Act apply or continue to apply, as the case may be, to the Auditor, the Assistant Auditor and to the full-time permanent and probationary employees of the Office of the Auditor and the Board or any person authorized by order of the Board may exercise the powers and duties of the Civil Service Commission and the Auditor or any person authorized in writing by the Auditor may exercise the powers and duties of a deputy minister pursuant to that Act in respect of such benefits. Benefits
R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the full-time permanent and probationary employees of the Office of the Auditor as though the Office of the Auditor were a commission designated by the Lieutenant Governor in Council under section 27 of that Act and to the Auditor and Assistant Auditor as though they were members of such a commission who held positions designated by and whose requests for such designations had been approved by the Lieutenant Governor in Council under section 27 of that Act and all credits in the Public Service Superannuation Fund of the full-time permanent and probationary employees of the Office of the Auditor and of the Auditor and the Assistant Auditor accumulated under that Act immediately before the coming into force of this Act are preserved and continued in accordance with that Act. *New.* Super-
annuation
benefits
R.S.O. 1970,
c. 387

23. Subject to the approval of the Board, the Auditor from time to time may appoint one or more persons having technical or special knowledge of any kind to assist the Auditor for a limited period of time or in respect of a particular matter and the moneys required for the purposes of this section shall be charged to and paid out of the Consolidated Revenue Fund. *New.* Expert
assistance

24. The Auditor may delegate in writing to any other member of the Office of the Auditor authority to exercise any power or perform any duty of the Auditor other than reporting to the Assembly. R.S.O. 1970, c. 36, s. 6, *amended.* Delegation
of authority

25.—(1) An employee of the Office of the Auditor shall not, Political
activities
of employees
of the Office
of the Auditor

(a) be a candidate in a provincial or federal election or in an election for any municipal office including

R.S.O. 1970,
c. 118

a local board of a municipality within the meaning of *The Municipal Affairs Act*;

(b) solicit funds for a provincial, federal or municipal party or candidate; or

(c) associate his position in the Office of the Auditor with any political activity.

Cause for
dismissal

(2) Contravention of any of the provisions of subsection 1 may be considered as cause for dismissal. *New*.

Conduct
and
discipline

26.—(1) The Auditor may make orders and rules for the conduct of the internal business of the Office of the Auditor and, after a hearing, may suspend, demote or dismiss any employee of the Office of the Auditor for cause. R.S.O. 1970, c. 36, s. 5, *amended*.

Hearing
R.S.O. 1970,
c. 386

(2) The provisions of *The Public Service Act* and of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to suspension from employment pending an investigation and in relation to a hearing by a deputy minister or his delegate as to cause for dismissal, other than as to notice to the Civil Service Commission, apply with necessary modifications where the Auditor is of the opinion that there may exist cause for the suspension without pay, demotion or dismissal of an employee of the Office of the Auditor, and, for the purpose, the Auditor shall be deemed to be a deputy minister.

Appeals

(3) A decision of the Auditor to demote, suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established pursuant to *The Public Service Act*.

Grievance
Board
authorized
to hear
appeals

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of Part V of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to a grievance for dismissal apply with necessary modifications to an appeal under this section, and, for the purpose, the Auditor shall be deemed to be a deputy minister and the decision of the Public Service Grievance Board is final and the Public Service Grievance Board shall report its decision and reasons in writing to the Auditor and to the appellant. *New*.

Proceedings
privileged

27.—(1) No proceedings lie against the Auditor, the Assistant Auditor, any person employed in the Office of the Auditor or any person appointed to assist the Auditor

for a limited period of time or in respect of a particular matter, for anything he may do or report or say in the course of the exercise or the intended exercise of functions under this Act, unless it is shown that he acted in bad faith.

(2) The Auditor, the Assistant Auditor and each person employed in the Office of the Auditor or appointed to assist the Auditor for a limited period of time or in respect of a particular matter shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment or duties under this Act and shall not communicate any such matters to any person, except as may be required in connection with the administration of this Act or any proceedings under this Act or under the *Criminal Code* (Canada). Information
confidential

R.S.C. 1970,
c. C-34

28. A person or persons, licensed under *The Public Accountancy Act* and appointed by the Board, shall examine the accounts relating to the disbursements of public money on behalf of the Office of the Auditor and shall report thereon to the Board and the chairman of the Board shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. 1971, c. 54, s. 6, *part, amended*. Examination
of accounts
of Office of
the Auditor
R.S.O. 1970,
c. 373

29.—(1) The Auditor shall present annually to the Board estimates of the sums of money that will be required for the purposes of this Act. Estimates

(2) The Board shall review and may alter as it considers proper the estimates presented by the Auditor, and the chairman of the Board shall cause the estimates as altered by the Board to be laid before the Assembly and the Assembly shall refer the estimates laid before it to a committee of the Assembly for review. Idem

(3) The moneys required for the purposes of this Act, other than under sections 5 and 23, shall be paid out of the moneys appropriated therefor by the Legislature. *New*. Idem

30. The following are repealed:

Repeals

1. *The Audit Act*, being chapter 36 of the Revised Statutes of Ontario, 1970.

2. *The Audit Amendment Act, 1971*, being chapter 54.

3. Sections 7 and 8 of *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*. 1972, c. 3

1973, c. 33

4. Section 2 of *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*.Commence-
ment**31.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

32. This Act may be cited as *The Audit Act, 1977*.

BILL 24

The Audit Act, 1977

1st Reading

April 6th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to establish a Medical Data Bank

MR. NEWMAN (Windsor-Walkerville)

EXPLANATORY NOTE

The Bill establishes a medical data bank in which would be stored the medical histories of persons in Ontario. The data bank would be of great assistance to doctors and hospitals where a patient moves to another city, changes doctors or is taking prescribed drugs or is involved in an accident. Participation in the use of the data bank would be on a voluntary basis only.

BILL 25

1977

An Act to establish a Medical Data Bank

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "medical data bank" means the medical data bank operated and maintained under this Act;
- (b) "Ministry" means the Ministry of Health;
- (c) "public hospital" means a hospital approved as a public hospital under *The Public Hospitals Act*;
- (d) "regulations" means the regulations made under this Act.

R.S.O. 1970,
c. 378

2. The Ministry shall operate and maintain a medical data bank, in the form of a computer, in which shall be stored the information fed into it concerning medical histories.

Medical
data bank
established

3. Every public hospital shall maintain an outlet of the medical data bank into which may be placed the medical histories of persons using the hospital in the form prescribed by the regulations.

Data bank
outlet in
each
hospital

4.—(1) A medical history of a person shall not be stored in the medical data bank without the written consent of the person whose medical history is to be stored.

Consent
required

(2) The medical history of a person shall not be removed from the medical data bank without the written consent of his legally qualified medical practitioner.

Idem

5. Any person may apply to the Ministry directly to have his medical history stored in the medical data bank.

Application
to Ministry

Ministry
must file
medical
history in
data bank

6. Where a person applies to have his medical history stored in the medical data bank under section 4, the Ministry shall accept the information for storage where it is in the form prescribed by the regulations.

Offence

7. Every person who,

- (a) knowingly, furnishes false information in any application under this Act or the regulations;
- (b) fails to comply with any other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the type, form and style of information that may be stored in the medical data bank;
- (b) requiring that persons use their social insurance numbers as identification when using the medical data bank; and
- (c) requiring that information that is fed into the medical data bank be prepared by a legally qualified medical practitioner or under the supervision of a legally qualified medical practitioner at the written request of the individual concerned.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Medical Data Bank Act, 1977*.



An Act to establish a Medical Data Bank

1st Reading

April 6th, 1977

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to establish the Ministry of Northern Affairs

THE HON. W. G. DAVIS
Premier

EXPLANATORY NOTE

The Bill establishes the Ministry of Northern Affairs to carry out the functions set out in the Bill.

BILL 26

1977

An Act to establish the Ministry of Northern Affairs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Deputy Minister" means the Deputy Minister of Northern Affairs;
 - (b) "Minister" means the Minister of Northern Affairs;
 - (c) "Ministry" means the Ministry of Northern Affairs.
2. There shall be a ministry of the public service to be Ministry
established known as the Ministry of Northern Affairs.
3. The Minister shall preside over and have charge of the Minister to
have charge Ministry.
4. The Minister is responsible for the administration of Duties of
Minister this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.
- 5.—(1) The Lieutenant Governor in Council shall appoint Deputy
Minister a Deputy Minister of Northern Affairs who shall be deputy head of the Ministry.
 - (2) Such officers and employees as are required from time Staff to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*. R.S.O. 1970,
c. 386
- 6.—(1) The Lieutenant Governor in Council may authorize Seal a seal for the Ministry.
 - (2) The seal may be reproduced by engraving, lithograph- Idem ing, printing or other method of mechanical reproduction

and when so reproduced has the same effect as if manually affixed.

**Delegation
of powers
and duties**

7. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

**Function of
Ministry**

8. It is the function of the Ministry to co-ordinate the activities of the Government in Northern Ontario, including,

- (a) developing and recommending Government priorities, policies and plans for Northern Ontario;
- (b) administering Ministry programs and co-ordinating Government programs and services relating to Northern Ontario;
- (c) advising and assisting in the planning and budgeting of other government programs, services and activities in Northern Ontario provided by other ministries;
- (d) promoting and facilitating the accessibility of the residents of Northern Ontario to the programs, services and activities of the Government of Ontario;
- (e) making recommendations regarding priorities for the development of research in all aspects of the social and economic conditions of all areas of Northern Ontario;
- (f) administering such other programs and performing such other duties as are assigned to it by any Act or by the Lieutenant Governor in Council.

**Advisory
committees**

9. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

**Commence-
ment**

10. This Act shall be deemed to have come into force on the 1st day of April, 1977.

Short title

11. This Act may be cited as *The Ministry of Northern Affairs Act, 1977*.

An Act to establish the
Ministry of Northern Affairs

1st Reading

April 7th, 1977

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Employees' Health and Safety Act, 1976**

MR. LAUGHREN

EXPLANATORY NOTE

The purpose of this Bill is to discontinue the use of a collective agreement as a means for obtaining an exemption from the provision allowing an employee to continue to refuse to do work which he has reason to believe is unsafe.

BILL 27

1977

**An Act to amend
The Employees' Health and Safety Act, 1976**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 3 of *The Employees' Health and Safety Act, 1976*, being chapter 79, is repealed and the following substituted therefor:

(2) Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe or comply with *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, and the employee has reasonable cause to believe that the machine, device or thing is or continues to be unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is or continues to be unsafe for him to work in or the machine, device, thing or place is or continues to be in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, he may continue to refuse to use or operate the machine, device or thing, or work in the place.

s. 3 (2),
re-enacted

Employee
may continue
to refuse
to work, etc.
1971, c. 43
1973, c. 47
R.S.O. 1970,
c. 274

- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

s. 3 (3),
re-enacted

(3) Where the employee continues to refuse to use or operate the machine, device or thing, or work in the place, the employer or person having control and direction over the employee shall notify an appropriate inspector or an engineer, as the case may be, who shall investigate the matter in the presence of the employer or the person having control and direction over the employee, the employee and, if there is such, either a health and safety representative, a committee

Investiga-
tion by
inspector or
engineer

member who represents employees or a person authorized by the trade union that represents the employee.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Employees' Health and Safety Amendment Act, 1977*.

An Act to amend
The Employees' Health and
Safety Act, 1976

1st Reading

April 7th, 1977

2nd Reading

3rd Reading

MR. LAUGHREN

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Section 5 (1) of the Act sets out maximum permitted rent increases between January 1st, 1976 and August 1st, 1976. This subsection has no further application and is being repealed and the replacing subsection provides that, subject to certain exceptions, the maximum permitted rent increase is 8 per cent or such lesser amount as may be prescribed by regulation.

Subsection 2. Section 5 (2) of the Act sets out permitted rent increases between July 31st, 1976 and August 1st, 1977. With the passing of this Bill this subsection will have no further application and is being repealed.

The new subsection 2 makes it an offence for a landlord to increase the rent in respect of a residential premises more than once in any twelve month period and provides that any attempted increase beyond the one permitted is not payable.

Subsection 3. Section 5 (2a) of the Act provided that there be no rent increase within a year of the latest increase except upon the order of a Rent Review Officer. In view of the new section 5 (2) of the Act, this subsection is being repealed.

Subsection 4. Section 5 (3) of the Act presently permits applications by landlords for permission to increase rents beyond the maximum permitted by the Act. The subsection as recast omits reference to dates that no longer apply and changes internal references to reflect the amendments made by this Bill.

BILL 28

1977

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, is repealed and the following substituted therefor: s. 5 (1),
re-enacted

(1) Subject to subsection 2 and except as provided in subsection 3, notwithstanding the terms of any tenancy agreement, no landlord shall charge a tenant for any rental period an amount of rent that, when computed on a monthly basis, exceeds the last rent that was lawfully charged for an equivalent rental period for residential premises by more than 8 per cent or such lesser percentage amount as may be determined by the Lieutenant Governor in Council. Maximum
permitted
increase
in rent

- (2) Subsection 2 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor: s. 5 (2),
re-enacted

(2) Notwithstanding anything in this Act, no landlord shall charge and no order shall authorize an increase in the rent for residential premises to take effect within one year after the effective date of the latest preceding increase in the rent for the premises, and where rent is charged in contravention of this subsection or clause *a* of subsection 2 of section 20, in addition to any other penalty arising therefrom, the tenant is not liable to pay the amount of the increase. No increase
within a
year

- (3) Subsection 2*a* of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed. s. 5 (2*a*),
repealed

- (4) Subsection 3 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor: s. 5 (3),
re-enacted

Application
by landlord
for increase
in rent

(3) Subject to subsection 2, where a landlord is of the opinion that increased operating costs and capital expenses that he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for a rental payment period, he may, at least sixty days before the commencement or renewal of the tenancy agreement to which the increase would apply, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

s. 5 (4),
re-enacted

(5) Subsection 4 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by tenant
to require
justification
of increase

(4) Subject to subsection 2, where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer or the Board, and whether or not such increase is within the limits set out in subsection 1, he may, not later than sixty days after he receives notice of the increase, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase and shall, at the same time, file a copy of the notice with the Rent Review Officer.

s. 5 (5) (a),
re-enacted

(6) Clause *a* of subsection 5 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

(a) reduce the rent increase to an amount agreed upon by himself and the tenant, but the amount of the increase shall not exceed the limits set out in subsection 1 or 2; or

.

s. 5 (11),
amended

(7) Subsection 11 of the said section 5 is amended by striking out "within the current rent review period under subsection 1 or 2" in the seventh and eighth lines.

Subsection 5. Section 5 (4) of the Act presently permits a tenant who objects to a rent increase to apply to a Rent Review Officer. The subsection as recast omits reference to dates that no longer apply and changes internal references to reflect the amendments made by this Bill.

Subsection 6. The amendment changes internal references to reflect the amendments made by this Bill.

Subsection 7. The amendment changes internal references to reflect the amendments made by this Bill.

SECTION 2. Section 6 of the Act presently provides that a landlord seeking an increase in rent shall, with the notice of rent increase, supply the tenant with a notice of justification. Instead of a formal notice of justification, the landlord would be permitted to supply written reasons for the increase.

SECTION 3.—Subsection 1. Section 7 (3) of the Act sets out the powers of a Rent Review Officer and provides that he must give a copy of his order together with written reasons to all parties who appeared at the hearing. The provision as amended still requires him to give a copy of his order to all parties who appeared at the hearing, but does not require him to supply copies of the reasons except to those parties who request a copy of the written reasons.

Subsection 2. Section 6 of the Act and section 115 of *The Landlord and Tenant Act* refer to notices to be given of rent increases. The new provision prevents a tenant from raising the issue of insufficiency of notice after the Rent Review Officer makes his order if the tenant did not raise the issue at the hearing.

SECTION 4. The words underlined in section 8 of the Act, as reproduced hereunder, are being added:

8. Until such time as the Rent Review Officer or Board renders his or its decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord.

There is also a change in internal reference to reflect the amendments made by this Bill.

SECTION 5. Section 9 of the Act provides that a discontinuance of services or privileges is deemed to be an increase in rent. Section 11 of the Act permits an application to the Rent Review Officer for an order for reduction of rent where there has been such a discontinuance.

The amendment clarifies that where there is a discontinuance of services this shall not be considered an increase of rent for the purposes of section 5 (2) of the Act which allows only one increase of rent in any twelve month period. It would still be open to the tenant to apply for a rent reduction under section 11 of the Act.

SECTION 6. The new provision requires a landlord to provide a rental history of premises to a Rent Review Officer where he is so requested in writing.

2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6.
re-enacted

6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall, at the same time, supply the tenant receiving the same with written reasons for the increase. Notice of
reasons for
rent increase
R.S.O. 1970,
c. 236

- 3.—(1) Subsection 3 of section 7 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 3, is further amended by striking out "together with written reasons for his decision to all the parties who appeared on the hearing" in the twenty-third, twenty-fourth and twenty-fifth lines and inserting in lieu thereof "to all the parties to the application who appeared on the hearing together with written reasons therefor if requested by a party". s. 7 (3),
amended

- (2) The said section 7 is amended by adding thereto the following subsection: s. 7,
amended

(3a) Unless an objection respecting the sufficiency of any notices under subsection 1 of section 115 of *The Landlord and Tenant Act* or under section 6 of this Act is raised by a tenant in proceedings before the Rent Review Officer upon the issuance of the order, the notices so required shall be deemed to have been properly given. Where notice
deemed
properly
given
R.S.O. 1970,
c. 236

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 4, is repealed and the following substituted therefor: s. 8.
re-enacted

8. Until such time as the Rent Review Officer or Board renders his or its decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent
chargeable
pending
decision
of Rent
Review
Officer
or Board

5. Section 9 of the said Act is amended by adding at the end thereof "except for the purposes of applying subsection 2 of section 5". s. 9,
amended

6. The said Act is amended by adding thereto the following section: s. 11a,
enacted

11a. The Rent Review Officer in respect of any pending application under this Act may request, in writing, that the landlord furnish him with written particulars as are available to the landlord of rents and rental agreements in effect on or after the 1st day of January, 1974, pertaining to residential premises rented by the landlord and the landlord shall furnish Furnishing
information

the Rent Review Officer in writing with the particulars requested.

s. 13,
amended

- 7.—(1) Section 13 of the said Act is amended by adding thereto the following subsection:

Application
for leave to
appeal

(1a) Notwithstanding that a person did not appear at a hearing held by a Rent Review Officer, he may apply in writing to the Board for permission to appeal, and the Board, where the person establishes that he was unable to attend in person or by agent at the hearing as a result of circumstances beyond his control, may in its discretion permit him to appeal upon such terms and conditions as it considers just.

s. 13 (2),
re-enacted

- (2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Notice of
appeal

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board within twenty-one days after the date of the order of the Rent Review Officer and a copy of the notice shall be given,

(a) to the landlord where the appeal is by a tenant; and

(b) to the tenant of each residential premises in respect of which the appeal is brought where the appeal is by a landlord,

not later than seven days after the notice of appeal is filed with the Board.

s. 13 (5),
re-enacted

- (3) Subsection 5 of the said section 13 is repealed and the following substituted therefor:

Decision
final subject
to subs. 7

(5) The decision of the Board under subsection 4 is final and not subject to appeal except where the Board decides to rehear an appeal pursuant to subsection 7.

s. 13 (6),
re-enacted

- (4) Subsection 6 of the said section 13 is repealed and the following substituted therefor:

Application
of s. 7 (4)

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 or 7 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer or of the Board that has previously been filed under subsection 4 of section 7, or under this subsection, the order previously filed as so varied may be enforced in the same manner as the original order.

SECTION 7.—Subsection 1. Section 13 (1) of the Act provides to a person who appeared at a hearing the right of appeal from a decision of the Rent Review Officer.

The new subsection provides that a person who did not appear at the hearing through circumstances beyond his control may apply to the Board for permission to appeal.

Subsection 2. Section 13 (2) of the Act, as recast, changes the existing subsection so as to relieve a tenant, when appealing to the Board, from giving notice of the appeal to all other parties who were entitled to appear at the original hearing and instead giving notice to the landlord only. The time for filing an appeal with the Board has been extended to twenty-one days from fifteen and the time for giving notice of appeal to the other parties has been reduced from thirty days to seven days. The reduction in time is complementary to the relief given to tenants from serving all parties entitled to appear at the original hearing.

Subsection 3. Section 13 (5) is recast to allow for orders to be made where there is a rehearing of an appeal which rehearing is permitted by the new section 13 (7) of the Act. This is complementary to section 7 (5) of the Bill.

Subsection 4. The amendment is complementary to the new section 13 (7) which is being added by this Bill and refers to filing of the Board's amending order, if any, with the Registrar of the Supreme Court.

Subsection 5. The new provision enables the Board to rehear an appeal where there has been a serious error.

SECTION 8.—Subsection 1. This is a change in an internal reference to reflect the amendments made by this Bill.

Subsection 2. The amendment allows the Lieutenant Governor in Council to make regulations in respect of payment of fees.

SECTION 9. Section 16 of the Act provides for alternate forms of service of notices where the person required to be served is evading service or is absent from his premises. The amendment serves to include a tenant who has abandoned or quit the premises. This is accomplished by adding the words underlined in the subsection reproduced below.

Section 16 (1) as amended will read as follows:

(1) Any notice or application required or permitted to be given under this Act,

(a) by a tenant to a landlord, is sufficiently given if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 104 of The Landlord and Tenant Act; or

(b) to a tenant is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, or where the tenant has quit or abandoned the premises, the notice or application may be given,

(i) by handing it to an apparently adult person on the tenant's premises,

(ii) by posting it up in a conspicuous place upon some part of the premises, or

(iii) by sending it by registered mail to the tenant at the address where he resides.

At the commencement of clause b, the words "by a landlord to a tenant and by a tenant to a tenant" have been replaced by "to a tenant" with no change in meaning.

SECTION 10. Section 17 of the Act presently reads as follows:

17. Any person who knowingly contravenes section 4, subsection 1, 2 or 2a of section 5, or section 10, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

- (5) The said section 13 is further amended by adding thereto ^{s. 13, amended} the following subsection:

(7) Notwithstanding subsection 5, the Board may, within ^{Board may rehear appeal} 30 days after making an order, decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the Board may confirm, rescind, amend or replace any decision or order previously made, and this decision of the Board is final and not subject to appeal.

- 8.—(1) Clause *a* of subsection 1 of section 15 of the said Act is ^{s. 15 (1) (a), amended} amended by striking out “2” in the second line and inserting in lieu thereof “1”.

- (2) Subsection 1 of the said section 15 is amended by adding ^{s. 15 (1), amended} thereto the following clause:

(*aa*) requiring the payment of fees and prescribing the amounts thereof.

9. Clause *b* of subsection 1 of section 16 of the said Act, as ^{s. 16 (1) (b), amended} amended by the Statutes of Ontario, 1976, chapter 36, section 6, exclusive of the subclauses, is repealed and the following substituted therefor:

(*b*) to a tenant is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, or where the tenant has quit or abandoned the premises, the notice or application may be given,

.

10. Section 17 of the said Act, as amended by the Statutes of ^{s. 17, re-enacted} Ontario, 1976, chapter 36, section 7, is repealed and the following substituted therefor:

17.—(1) Every person who,

Penalties

- (*a*) contravenes or attempts to contravene section 4, subsection 1 or 2 of section 5, section 10, or clause *a* of subsection 2 of section 20;
- (*b*) refuses to furnish information requested under section 11*a* or refuses to file information as required by subsection 10 of section 5;
- (*c*) knowingly furnishes false information in any application under this Act or regulations or in any state-

ment of particulars or forms required to be furnished or filed under this Act or regulations;

- (d) collects more than the maximum rent chargeable under an order of a Rent Review Officer or the Board; or
- (e) refuses to file an application for rent review when so ordered by a Rent Review Officer under subsection 11 of section 5,

and every director or officer of a corporation who knowingly concurs in such contravention or collection is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Idem

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

s. 20,
amended

11.—(1) Section 20 of the said Act is amended by striking out “and is repealed on the 1st day of August, 1977” in the fifth line and inserting in lieu thereof “and is repealed on the 31st day of December, 1978”.

s. 20,
amended

(2) The said section 20 is further amended by adding thereto the following subsection:

Idem

(2) Notwithstanding subsection 1,

(a) where there has been an increase in rent for residential premises charged to take effect after the 31st day of December, 1977, and on or before the 31st day of December, 1978, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

(b) this Act continues in force for the purpose of,

(i) hearing and making orders in respect of applications and appeals filed on or before the 31st day of December, 1978, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

SECTION 11. The expiry date of the Act is being amended from the 1st day of August, 1977 to the 31st day of December, 1978.

The new subsection 2 of section 20 of the Act continues the Act in force beyond the expiry date for certain purposes.

- 12.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 13.** This Act may be cited as *The Residential Premises Rent Review* Short title
Amendment Act, 1977.

BILL 28

An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)

1st Reading

April 12th, 1977

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Section 5 (1) of the Act sets out maximum permitted rent increases between January 1st, 1976 and August 1st, 1976. This subsection has no further application and is being repealed and the replacing subsection provides that, subject to certain exceptions, the maximum permitted rent increase is the lesser of 8 per cent or the rate of increase for compensation allowed pursuant to the A.I.B. Guidelines or such lesser amount as may be prescribed by regulation.

Subsection 2. Section 5 (2) of the Act sets out permitted rent increases between July 31st, 1976 and August 1st, 1977. With the passing of this Bill this subsection will have no further application and is being repealed.

The new subsection 2 makes it an offence for a landlord to increase the rent in respect of a residential premises more than once in any twelve month period and provides that any attempted increase beyond the one permitted is not payable.

Subsection 3. Section 5 (2a) of the Act provided that there be no rent increase within a year of the latest increase except upon the order of a Rent Review Officer. In view of the new section 5 (2) of the Act, this subsection is being repealed.

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, is repealed ^{s. 5 (1), re-enacted} and the following substituted therefor:

(1) Subject to subsection 2 and except as provided in subsection 3, notwithstanding the terms of any tenancy agreement, no landlord shall charge a tenant for any rental period an amount of rent that, when computed on a monthly basis, exceeds the last rent that was lawfully charged for an equivalent rental period for residential premises by the lesser of 8 per cent or the rate of increase for compensation allowed under the Basic Protection Factor and National Productivity Factor as outlined in Part 4 of the Anti-Inflation Guidelines or such lesser percentage amount as may be determined by the Lieutenant Governor in Council. ^{Maximum permitted increase in rent}

- (2) Subsection 2 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed ^{s. 5 (2), re-enacted} and the following substituted therefor:

(2) Notwithstanding anything in this Act, no landlord shall charge and no order shall authorize an increase in the rent for residential premises to take effect within one year after the effective date of the latest preceding increase in the rent for the premises, and where rent is charged in contravention of this subsection or clause *a* of subsection 2 of section 20, in addition to any other penalty arising therefrom, the tenant is not liable to pay the amount of the increase. ^{No increase within a year}

- (3) Subsection 2a of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed. ^{s. 5 (2a), repealed}

s. 5 (3),
re-enacted

- (4) Subsection 3 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by landlord
for increase
in rent

(3) Subject to subsection 2, where a landlord is of the opinion that increased operating costs and capital expenses that he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for a rental payment period, he may, at least sixty days before the commencement or renewal of the tenancy agreement to which the increase would apply, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

s. 5 (4),
re-enacted

- (5) Subsection 4 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by tenant
to require
justification
of increase

(4) Subject to subsection 2, where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer or the Board, and whether or not such increase is within the limits set out in subsection 1, he may, not later than sixty days after he receives notice of the increase, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase and shall, at the same time, file a copy of the notice with the Rent Review Officer.

s. 5 (5) (a),
re-enacted

- (6) Clause *a* of subsection 5 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

(a) reduce the rent increase to an amount agreed upon by himself and the tenant, but the amount of the increase shall not exceed the limits set out in subsection 1 or 2; or

Subsection 4. Section 5 (3) of the Act presently permits applications by landlords for permission to increase rents beyond the maximum permitted by the Act. The subsection as recast omits reference to dates that no longer apply and changes internal references to reflect the amendments made by this Bill.

Subsection 5. Section 5 (4) of the Act presently permits a tenant who objects to a rent increase to apply to a Rent Review Officer. The subsection as recast omits reference to dates that no longer apply and changes internal references to reflect the amendments made by this Bill.

Subsection 6. The amendment changes internal references to reflect the amendments made by this Bill.

Subsection 7. The amendment changes internal references to reflect the amendments made by this Bill.

SECTION 2. Section 6 of the Act presently provides that a landlord seeking an increase in rent shall, with the notice of rent increase, supply the tenant with a notice of justification. Instead of a formal notice of justification, the landlord would be permitted to supply written reasons for the increase.

SECTION 3. Section 6 of the Act and section 115 of *The Landlord and Tenant Act* refer to notices to be given of rent increases. The new provision obliges the Rent Review Officer to satisfy himself as to notice given.

SECTION 4. The words underlined in section 8 of the Act, as reproduced hereunder, are being added:

8. Until such time as the Rent Review Officer or Board renders his or its decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord.

There is also a change in internal reference to reflect the amendments made by this Bill.

SECTION 5. Section 9 of the Act provides that a discontinuance of services or privileges is deemed to be an increase in rent. Section 11 of the Act permits an application to the Rent Review Officer for an order for reduction of rent where there has been such a discontinuance.

The amendment clarifies that where there is a discontinuance of services this shall not be considered an increase of rent for the purposes of section 5 (2) of the Act which allows only one increase of rent in any twelve month period. It would still be open to the tenant to apply for a rent reduction under section 11 of the Act.

SECTION 6. The new provision requires a landlord to provide a rental history of premises to a Rent Review Officer where he is so requested in writing and requires the Rent Review Officer to request a rental history in respect of a building where there is an application for a review of rent in respect of a premises within the building.

- (7) Subsection 11 of the said section 5 is amended by striking out "within the current rent review period under subsection 1 or 2" in the seventh and eighth lines. s. 5 (11), amended

2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall, at the same time, supply the tenant receiving the same with written reasons for the increase. Notice of reasons for rent increase R.S.O. 1970, c. 236

3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 3, is further amended by adding thereto the following subsection: s. 7, amended

(3a) At or prior to the commencement of any hearing, the Rent Review Officer shall satisfy himself about the sufficiency of any notices under subsection 1 of section 115 of *The Landlord and Tenant Act* or under section 6 of this Act and no order of the Rent Review Officer shall be effective unless the notices as required are sufficient. Where notice deemed properly given R.S.O. 1970, c. 236

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 4, is repealed and the following substituted therefor: s. 8, re-enacted

8. Until such time as the Rent Review Officer or Board renders his or its decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent chargeable pending decision of Rent Review Officer or Board

5. Section 9 of the said Act is amended by adding at the end thereof "except for the purposes of applying subsection 2 of section 5". s. 9, amended

6. The said Act is amended by adding thereto the following section: s. 11a, enacted

11a. The Rent Review Officer in respect of any pending application under this Act shall request, in writing, that the landlord furnish him with written particulars as are available to the landlord of rents and rental agreements in effect on or after the 1st day of January, 1974, pertaining to residential premises in the building relating to each application and the Furnishing information

landlord shall furnish the Rent Review Officer in writing with the particulars requested.

s. 13,
amended

7.—(1) Section 13 of the said Act is amended by adding thereto the following subsection:

Application
for leave to
appeal

(1a) Notwithstanding that a person did not appear at a hearing held by a Rent Review Officer, he may apply in writing to the Board for permission to appeal, and the Board may in its discretion permit him to appeal upon such terms and conditions as it considers just.

s. 13 (2),
re-enacted

(2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Notice of
appeal

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board within twenty-one days after the date of the order of the Rent Review Officer and a copy of the notice shall be given,

(a) to the landlord where the appeal is by a tenant; and

(b) to the tenant of each residential premises in respect of which the appeal is brought where the appeal is by a landlord,

not later than seven days after the notice of appeal is filed with the Board.

s. 13 (5),
re-enacted

(3) Subsection 5 of the said section 13 is repealed and the following substituted therefor:

Decision
final subject
to subs. 7

(5) The decision of the Board under subsection 4 is final and not subject to appeal except where the Board decides to rehear an appeal pursuant to subsection 7.

s. 13 (6),
re-enacted

(4) Subsection 6 of the said section 13 is repealed and the following substituted therefor:

Application
of s. 7 (4)

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 or 7 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer or of the Board that has previously been filed under subsection 4 of section 7, or under this subsection, the order previously filed as so varied may be enforced in the same manner as the original order.

SECTION 7.—Subsection 1. Section 13 (1) of the Act provides to a person who appeared at a hearing the right of appeal from a decision of the Rent Review Officer.

The new subsection provides that a person who did not appear at the hearing may apply to the Board for permission to appeal.

Subsection 2. Section 13 (2) of the Act, as recast, changes the existing subsection so as to relieve a tenant, when appealing to the Board, from giving notice of the appeal to all other parties who were entitled to appear at the original hearing and instead giving notice to the landlord only. The time for filing an appeal with the Board has been extended to twenty-one days from fifteen and the time for giving notice of appeal to the other parties has been reduced from thirty days to seven days. The reduction in time is complementary to the relief given to tenants from serving all parties entitled to appear at the original hearing.

Subsection 3. Section 13 (5) is recast to allow for orders to be made where there is a rehearing of an appeal which rehearing is permitted by the new section 13 (7) of the Act. This is complementary to section 7 (5) of the Bill.

Subsection 4. The amendment is complementary to the new section 13 (7) which is being added by this Bill and refers to filing of the Board's amending order, if any, with the Registrar of the Supreme Court.

Subsection 5. The new provision enables the Board to rehear an appeal where there has been a serious error.

SECTION 8.—Subsection 1. This is a change in an internal reference to reflect the amendments made by this Bill.

Subsection 2. The amendment allows the Lieutenant Governor in Council to make regulations in respect of payment of fees.

SECTION 9. Section 16 of the Act provides for alternate forms of service of notices where the person required to be served is evading service or is absent from his premises. The amendment serves to include a tenant who has abandoned or quit the premises. This is accomplished by adding the words underlined in the subsection reproduced below.

Section 16 (1) as amended will read as follows:

- (1) *Any notice or application required or permitted to be given under this Act,*
- (a) *by a tenant to a landlord, is sufficiently given if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 104 of The Landlord and Tenant Act; or*
 - (b) *to a tenant is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, or where the tenant has apparently abandoned the premises, the notice or application may be given,*
 - (i) *by handing it to an apparently adult person on the tenant's premises,*
 - (ii) *by posting it up in a conspicuous place upon some part of the premises, or*
 - (iii) *by sending it by registered mail to the tenant at the address where he resides.*

At the commencement of clause b, the words "by a landlord to a tenant and by a tenant to a tenant" have been replaced by "to a tenant" with no change in meaning.

SECTION 10. Section 17 of the Act presently reads as follows:

17. *Any person who knowingly contravenes section 4, subsection 1, 2 or 2a of section 5, or section 10, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.*

- (5) The said section 13 is further amended by adding thereto ^{s. 13, amended} the following subsection:

(7) Notwithstanding subsection 5, the Board may, within ^{Board may rehear appeal} 30 days after making an order, decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the Board may confirm, rescind, amend or replace any decision or order previously made, and this decision of the Board is final and not subject to appeal.

- 8.—(1) Clause *a* of subsection 1 of section 15 of the said Act is ^{s. 15 (1) (a), amended} amended by striking out “2” in the second line and inserting in lieu thereof “1”.

- (2) Subsection 1 of the said section 15 is amended by adding ^{s. 15 (1), amended} thereto the following clause:

(aa) requiring the payment of fees and prescribing the amounts thereof.

9. Clause *b* of subsection 1 of section 16 of the said Act, as ^{s. 16 (1) (b), amended} amended by the Statutes of Ontario, 1976, chapter 36, section 6, exclusive of the subclauses, is repealed and the following substituted therefor:

(b) to a tenant is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, or where the tenant has apparently abandoned the premises, the notice or application may be given,

.

10. Section 17 of the said Act, as amended by the Statutes of ^{s. 17, re-enacted} Ontario, 1976, chapter 36, section 7, is repealed and the following substituted therefor:

17.—(1) Every person who,

Penalties

- (a) contravenes or attempts to contravene section 4, subsection 1 or 2 of section 5, section 10, or clause *a* of subsection 2 of section 20;
- (b) refuses to furnish information requested under section 11a or refuses to file information as required by subsection 10 of section 5;
- (c) knowingly furnishes false information in any application under this Act or regulations or in any state-

ment of particulars or forms required to be furnished or filed under this Act or regulations;

- (d) collects more than the maximum rent chargeable under an order of a Rent Review Officer or the Board; or
- (e) refuses to file an application for rent review when so ordered by a Rent Review Officer under subsection 11 of section 5,

and every director or officer of a corporation who knowingly concurs in such contravention or collection is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Idem

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

s. 20,
amended

- 11.—**(1) Section 20 of the said Act is amended by striking out “and is repealed on the 1st day of August, 1977” in the fifth line and inserting in lieu thereof “and is repealed on the 31st day of December, 1978”.

s. 20,
amended

- (2) The said section 20 is further amended by adding thereto the following subsection:

Idem

- (2) Notwithstanding subsection 1,

- (a) where there has been an increase in rent for residential premises charged to take effect after the 31st day of December, 1977, and on or before the 31st day of December, 1978, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

- (b) this Act continues in force for the purpose of,

- (i) hearing and making orders in respect of applications and appeals filed on or before the 31st day of December, 1978, relating to a rental period commencing on or before that date, and

- (ii) enforcing orders made under this Act.

SECTION 11. The expiry date of the Act is being amended from the 1st day of August, 1977 to the 31st day of December, 1978.

The new subsection 2 of section 20 of the Act continues the Act in force beyond the expiry date for certain purposes.

- 12.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 13.** This Act may be cited as *The Residential Premises Rent Review* Short title
Amendment Act, 1977.

An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)

1st Reading

April 12th, 1977

2nd Reading

April 26th, 1977

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 28

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



BILL 28

1977

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, is repealed ^{s. 5 (1), re-enacted} and the following substituted therefor:

(1) Subject to subsection 2 and except as provided in subsection 3, notwithstanding the terms of any tenancy agreement, no landlord shall charge a tenant for any rental period an amount of rent that, when computed on a monthly basis, exceeds the last rent that was lawfully charged for an equivalent rental period for residential premises by the lesser of 8 per cent or the rate of increase for compensation allowed under the Basic Protection Factor and National Productivity Factor as outlined in Part 4 of the Anti-Inflation Guidelines or such lesser percentage amount as may be determined by the Lieutenant Governor in Council. ^{Maximum permitted increase in rent}

- (2) Subsection 2 of the said section 5, as amended by the ^{s. 5 (2), re-enacted} Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

(2) Notwithstanding anything in this Act, no landlord shall charge and no order shall authorize an increase in the rent ^{No increase within a year} for residential premises to take effect within one year after the effective date of the latest preceding increase in the rent for the premises, and where rent is charged in contravention of this subsection or clause *a* of subsection 2 of section 20, in addition to any other penalty arising therefrom, the tenant is not liable to pay the amount of the increase.

- (3) Subsection 2*a* of the said section 5, as enacted by the ^{s. 5 (2*a*), repealed} Statutes of Ontario, 1976, chapter 36, section 2, is repealed.

s. 5 (3),
re-enacted

- (4) Subsection 3 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by landlord
for increase
in rent

(3) Subject to subsection 2, where a landlord is of the opinion that increased operating costs and capital expenses that he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for a rental payment period, he may, at least sixty days before the commencement or renewal of the tenancy agreement to which the increase would apply, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

s. 5 (4),
re-enacted

- (5) Subsection 4 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by tenant
to require
justification
of increase

(4) Subject to subsection 2, where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer or the Board, and whether or not such increase is within the limits set out in subsection 1, he may, not later than sixty days after he receives notice of the increase, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase and shall, at the same time, file a copy of the notice with the Rent Review Officer.

s. 5 (5) (a),
re-enacted

- (6) Clause *a* of subsection 5 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:
- (a) reduce the rent increase to an amount agreed upon by himself and the tenant, but the amount of the increase shall not exceed the limits set out in subsection 1 or 2; or

- (7) Subsection 11 of the said section 5 is amended by striking out "within the current rent review period under subsection 1 or 2" in the seventh and eighth lines. s. 5 (11), amended
2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted
6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall, at the same time, supply the tenant receiving the same with written reasons for the increase. Notice of reasons for rent increase R.S.O. 1970, c. 236
3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 3, is further amended by adding thereto the following subsection: s. 7, amended
- (3a) At or prior to the commencement of any hearing, the Rent Review Officer shall satisfy himself about the sufficiency of any notices under subsection 1 of section 115 of *The Landlord and Tenant Act* or under section 6 of this Act and no order of the Rent Review Officer shall be effective unless the notices as required are sufficient. Where notice deemed properly given R.S.O. 1970, c. 236
4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 4, is repealed and the following substituted therefor: s. 8, re-enacted
8. Until such time as the Rent Review Officer or Board renders his or its decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent chargeable pending decision of Rent Review Officer or Board
5. Section 9 of the said Act is amended by adding at the end thereof "except for the purposes of applying subsection 2 of section 5". s. 9, amended
6. The said Act is amended by adding thereto the following section: s. 11a, enacted
- 11a. The Rent Review Officer in respect of any pending application under this Act shall request, in writing, that the landlord furnish him with written particulars as are available to the landlord of rents and rental agreements in effect on or after the 1st day of January, 1974, pertaining to residential premises in the building relating to each application and the Furnishing information

landlord shall furnish the Rent Review Officer in writing with the particulars requested.

s. 13,
amended

- 7.—(1) Section 13 of the said Act is amended by adding thereto the following subsection:

Application
for leave to
appeal

(1a) Notwithstanding that a person did not appear at a hearing held by a Rent Review Officer, he may apply in writing to the Board for permission to appeal, and the Board may in its discretion permit him to appeal upon such terms and conditions as it considers just.

s. 13 (2),
re-enacted

- (2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Notice of
appeal

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board within twenty-one days after the date of the order of the Rent Review Officer and a copy of the notice shall be given,

(a) to the landlord where the appeal is by a tenant; and

(b) to the tenant of each residential premises in respect of which the appeal is brought where the appeal is by a landlord,

not later than seven days after the notice of appeal is filed with the Board.

s. 13 (5),
re-enacted

- (3) Subsection 5 of the said section 13 is repealed and the following substituted therefor:

Decision
final subject
to subs. 7

(5) The decision of the Board under subsection 4 is final and not subject to appeal except where the Board decides to rehear an appeal pursuant to subsection 7.

s. 13 (6),
re-enacted

- (4) Subsection 6 of the said section 13 is repealed and the following substituted therefor:

Application
of s. 7 (4)

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 or 7 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer or of the Board that has previously been filed under subsection 4 of section 7, or under this subsection, the order previously filed as so varied may be enforced in the same manner as the original order.

- (5) The said section 13 is further amended by adding thereto ^{s. 13, amended} the following subsection:

(7) Notwithstanding subsection 5, the Board may, within ^{Board may rehear appeal} 30 days after making an order, decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the Board may confirm, rescind, amend or replace any decision or order previously made, and this decision of the Board is final and not subject to appeal.

- 8.—(1) Clause *a* of subsection 1 of section 15 of the said Act is ^{s. 15 (1) (a), amended} amended by striking out “2” in the second line and inserting in lieu thereof “1”.

- (2) Subsection 1 of the said section 15 is amended by adding ^{s. 15 (1), amended} thereto the following clause:

(aa) requiring the payment of fees and prescribing the amounts thereof.

9. Clause *b* of subsection 1 of section 16 of the said Act, as ^{s. 16 (1) (b), amended} amended by the Statutes of Ontario, 1976, chapter 36, section 6, exclusive of the subclauses, is repealed and the following substituted therefor:

(b) to a tenant is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, or where the tenant has apparently abandoned the premises, the notice or application may be given,

.

10. Section 17 of the said Act, as amended by the Statutes of ^{s. 17, re-enacted} Ontario, 1976, chapter 36, section 7, is repealed and the following substituted therefor:

17.—(1) Every person who,

Penalties

- (a) contravenes or attempts to contravene section 4, subsection 1 or 2 of section 5, section 10, or clause *a* of subsection 2 of section 20;
- (b) refuses to furnish information requested under section 11a or refuses to file information as required by subsection 10 of section 5;
- (c) knowingly furnishes false information in any application under this Act or regulations or in any state-

ment of particulars or forms required to be furnished or filed under this Act or regulations;

(d) collects more than the maximum rent chargeable under an order of a Rent Review Officer or the Board; or

(e) refuses to file an application for rent review when so ordered by a Rent Review Officer under subsection 11 of section 5,

and every director or officer of a corporation who knowingly concurs in such contravention or collection is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Idem

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

s. 20,
amended

11.—(1) Section 20 of the said Act is amended by striking out “and is repealed on the 1st day of August, 1977” in the fifth line and inserting in lieu thereof “and is repealed on the 31st day of December, 1978”.

s. 20,
amended

(2) The said section 20 is further amended by adding thereto the following subsection:

Idem

(2) Notwithstanding subsection 1,

(a) where there has been an increase in rent for residential premises charged to take effect after the 31st day of December, 1977, and on or before the 31st day of December, 1978, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

(b) this Act continues in force for the purpose of,

(i) hearing and making orders in respect of applications and appeals filed on or before the 31st day of December, 1978, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

- 12.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 13.** This Act may be cited as *The Residential Premises Rent Review* Short title
Amendment Act, 1977.

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**

1st Reading

April 12th, 1977

2nd Reading

April 26th, 1977

3rd Reading

April 29th, 1977

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to provide for successor Rights on the Transfer
of an Undertaking to or from the Crown**

THE HON. J. A. C. AULD
Chairman, Management Board of Cabinet

EXPLANATORY NOTE

The Bill preserves the representation and bargaining rights of organizations representing employees employed in undertakings transferred from the Crown to other employers and in undertakings transferred from other employers to the Crown.

The Bill provides for the determination of questions that may arise on such a transfer. Where the transfer is to an employer other than the Crown, the determinations are to be made by the Ontario Labour Relations Board. Where the transfer is to the Crown, the determinations are to be made by the Ontario Public Service Labour Relations Tribunal. Where a trade union or council of trade unions is the certified bargaining agent in respect of an undertaking transferred to the Crown, the trade union or council of trade unions is required to qualify as an employee organization within the meaning of *The Crown Employees Collective Bargaining Act, 1972* and where an employee organization has representation rights in respect of an undertaking transferred from the Crown to another employer, the employee organization is required to qualify as a trade union or council of trade unions under *The Labour Relations Act*.

BILL 29

1977

**An Act to provide for successor Rights on the
Transfer of an Undertaking to or from the
Crown**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "bargaining agent" means an employee organization that has representation rights under *The Crown Employees Collective Bargaining Act, 1972*, c. 67 or a trade union or council of trade unions that is certified as a bargaining agent under *The Labour Relations Act*; R.S.O. 1970, c. 232
- (b) "Board" means the Ontario Labour Relations Board;
- (c) "collective agreement" means an agreement in writing between the Crown or an employer and an employee organization, trade union or council of trade unions covering terms and conditions of employment;
- (d) "Crown" means Her Majesty in right of Ontario;
- (e) "employer" means an employer other than the Crown;
- (f) "transfer" means a conveyance, disposition or sale;
- (g) "Tribunal" means the Ontario Public Service Labour Relations Tribunal;
- (h) "undertaking" means a business, enterprise, institution, program, project, work or a part of any of them.

Idem (2) For the purposes of an application or other proceeding before the Tribunal under this Act, "employee" has the same meaning as in *The Crown Employees Collective Bargaining Act, 1972*.

Where collective agreement binding on employer 2.—(1) Where an undertaking is transferred from the Crown to an employer and a bargaining agent has a collective agreement with the Crown in respect of employees employed in the undertaking, the employer is bound by the collective agreement as if a party to the collective agreement until the Board declares otherwise.

Where application before Tribunal (2) Where an undertaking is transferred from the Crown to an employer while an application is before the Tribunal for representation rights in respect of employees employed in the undertaking or for a declaration that an employee organization no longer represents employees employed in the undertaking, the application shall be transferred to the Board and the employer is the employer for the purposes of the application as if named as the employer in the application until the Board declares otherwise.

Rights of bargaining agent (3) Where an undertaking is transferred from the Crown to an employer and a bargaining agent has been granted representation rights under any Act and has given or is entitled to give written notice of desire to bargain to make or renew a collective agreement in respect of employees employed in the undertaking, the bargaining agent continues, until the Board declares otherwise, to be the bargaining agent in respect of the employees and is entitled to give to the employer written notice of desire to bargain to make or renew, with or without modifications, a collective agreement, as the case requires.

Where collective agreement binding on Crown 3.—(1) Where an undertaking is transferred from an employer to the Crown and a bargaining agent has a collective agreement with the employer in respect of employees employed in the undertaking, the Crown is bound by the collective agreement as if a party to the collective agreement until the Tribunal declares otherwise.

Where application before Board (2) Where an undertaking is transferred from an employer to the Crown while an application is before the Board for certification or termination of bargaining rights in respect of employees employed in the undertaking, the application shall be transferred to the Tribunal and the Crown is the employer for the purposes of the application as if named as the employer in the application until the Tribunal declares otherwise.

(3) Where an undertaking is transferred from an employer to the Crown and a trade union or council of trade unions has been certified by the Board as bargaining agent or has given or is entitled to give written notice of desire to bargain to make or renew a collective agreement in respect of employees employed in the undertaking, the bargaining agent continues, until the Tribunal declares otherwise, to be the bargaining agent in respect of the employees and is entitled to give to the body representing the Crown or to the Crown, as the case requires, written notice of desire to bargain to make or renew, with or without modifications, a collective agreement, as the case requires.

4.—(1) Where an undertaking was transferred from the Crown to an employer or from an employer to the Crown and an employee organization, trade union or council of trade unions was the bargaining agent in respect of employees employed in the undertaking immediately before the transfer and,

- (a) a question arises as to what constitutes a unit of employees that is appropriate for collective bargaining purposes in respect of the undertaking; or
- (b) any person, employee organization, trade union or council of trade unions claims that by virtue of section 2 or 3, a conflict exists as to the bargaining rights of the employee organization, trade union or council of trade unions,

any person, employee organization, trade union or council of trade unions concerned may apply to the Board, in the case of the transfer of the undertaking to an employer, or to the Tribunal, in the case of the transfer of the undertaking to the Crown, and the Board or the Tribunal, as the case requires,

- (c) may determine the composition of the unit of employees referred to in clause a;
- (d) may amend, to such extent as the Tribunal or the Board considers necessary,
 - (i) any bargaining unit in any certificate issued to any trade union or council of trade unions,
 - (ii) any bargaining unit defined in any collective agreement,

- (iii) any unit of employees determined by the Tribunal to be appropriate for collective bargaining purposes in respect of the undertaking, or
- (iv) any unit of employees that is designated by the Lieutenant Governor in Council as an appropriate bargaining unit for collective bargaining purposes in respect of the undertaking.

Idem

(2) Where an undertaking is transferred from the Crown to an employer or from an employer to the Crown, any person, employee organization, trade union or council of trade unions may apply to the Board, in the case of the transfer of the undertaking to an employer, or to the Tribunal, in the case of the transfer of the undertaking to the Crown,

- (a) within sixty days after the transfer of the undertaking; or
- (b) within sixty days after written notice is given by the employee organization, trade union or council of trade unions of desire to bargain to make or renew, with or without modifications, a collective agreement,

and the Board or the Tribunal, as the case requires, may terminate the bargaining rights of the employee organization, trade union or council of trade unions bound by a collective agreement in respect of employees employed in the undertaking or that has given notice, as the case may be, if in the opinion of the Board or the Tribunal, the transferee of the undertaking has changed the character of the undertaking so that it is substantially different from the undertaking as it was carried on immediately before the transfer.

Where
employees
intermingled

5.—(1) Notwithstanding section 2, where an undertaking is transferred from the Crown to an employer who intermingles the employees employed in the undertaking immediately before the transfer with employees employed in one or more other undertakings carried on by the employer or an undertaking is transferred from an employer to the Crown and employees employed in the undertaking immediately before the transfer are intermingled with employees employed in other undertakings of the Crown and an employee organization, trade union or council of trade unions that is the bargaining agent in respect of employees

employed in any of the undertakings applies to the Board, in the case of the transfer of the undertaking to an employer, or to the Tribunal, in the case of the transfer of the undertaking to the Crown, the Board or the Tribunal, as the case requires,

- (a) may declare that the employer or the Crown, as the case may be, is no longer bound by the collective agreement referred to in section 2 or 3;
- (b) may determine whether the employees concerned constitute one or more appropriate bargaining units;
- (c) may declare which employee organization, trade union or council of trade unions shall be the bargaining agent in respect of each such bargaining unit; and
- (d) may amend, to such extent as the Board or the Tribunal considers necessary,
 - (i) any certificate issued to any trade union or council of trade unions,
 - (ii) any bargaining unit defined in any collective agreement,
 - (iii) any unit of employees determined by the Tribunal to be appropriate for collective bargaining purposes in respect of any of the undertakings, or
 - (iv) any unit of employees that is designated by the Lieutenant Governor in Council as an appropriate bargaining unit for collective bargaining purposes in respect of any of the undertakings.

(2) Where an employee organization, trade union or council of trade unions is declared to be a bargaining agent under subsection 1 and it is not already bound by a collective agreement with the successor employer in respect of employees employed in the undertaking that was transferred, the employee organization, trade union or council of trade unions is entitled to give to the successor employer written notice of desire to bargain to make or renew, with or without modifications, a collective agreement.

- 6.—**(1) Notwithstanding any other provision of this Act,
- (a) a trade union or council of trade unions shall not exercise representation rights or act as bargaining agent

Where
bargaining
agent
ascertained

Compliance
with
requirements
for
bargaining
agent

1972, c. 67.

agent in respect of employees employed in an undertaking transferred from an employer to the Crown unless the trade union or council of trade unions qualifies as an employee organization under *The Crown Employees Collective Bargaining Act, 1972*; and

R.S.O. 1970,
c. 232

- (b) an employee organization shall not exercise representation rights or act as bargaining agent in respect of employees employed in an undertaking transferred from the Crown to an employer unless the employee organization qualifies as a trade union or council of trade unions under *The Labour Relations Act*.

Application
of
R.S.O. 1970,
c. 232;
1972, c. 67

(2) Except as otherwise provided in this Act, where an undertaking is transferred from the Crown to an employer, *The Labour Relations Act* applies to a bargaining agent that has representation rights in respect of the employees employed in the undertaking and to the employees and where an undertaking is transferred from an employer to the Crown, *The Crown Employees Collective Bargaining Act, 1972* applies to a bargaining agent that is certified as a bargaining agent in respect of the employees employed in the undertaking and to the employees.

Powers of
Board or
Tribunal
before
disposing of
application

7. Before disposing of an application under this Act, the Board or the Tribunal, as the case may be, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it considers appropriate.

Where Crown
or employer
not
required to
bargain

8. Where an application is made under this Act, the Crown or the employer, as the case may be, is not required, notwithstanding that a notice has been given by an employee organization, trade union or council of trade unions to bargain with the employee organization, trade union or council of trade unions, as the case may be, concerning the employees to whom the application relates until the Board or the Tribunal, as the case requires, has disposed of the application and has declared which employee organization, trade union or council of trade unions, if any, has the right to bargain with the Crown or the employer, as the case may be, on behalf of the employees concerned in the application.

Effect of
notice or
declaration

9. For the purposes of *The Crown Employees Collective Bargaining Act, 1972* and *The Labour Relations Act*, notice given under this Act of desire to bargain, to make or renew, with or without modifications, a collective agreement or a

declaration by the Board or the Tribunal that an employee organization, trade union or council of trade unions is the bargaining agent in respect of the employees in a bargaining unit has the same effect as the granting of representation rights or certification as bargaining agent.

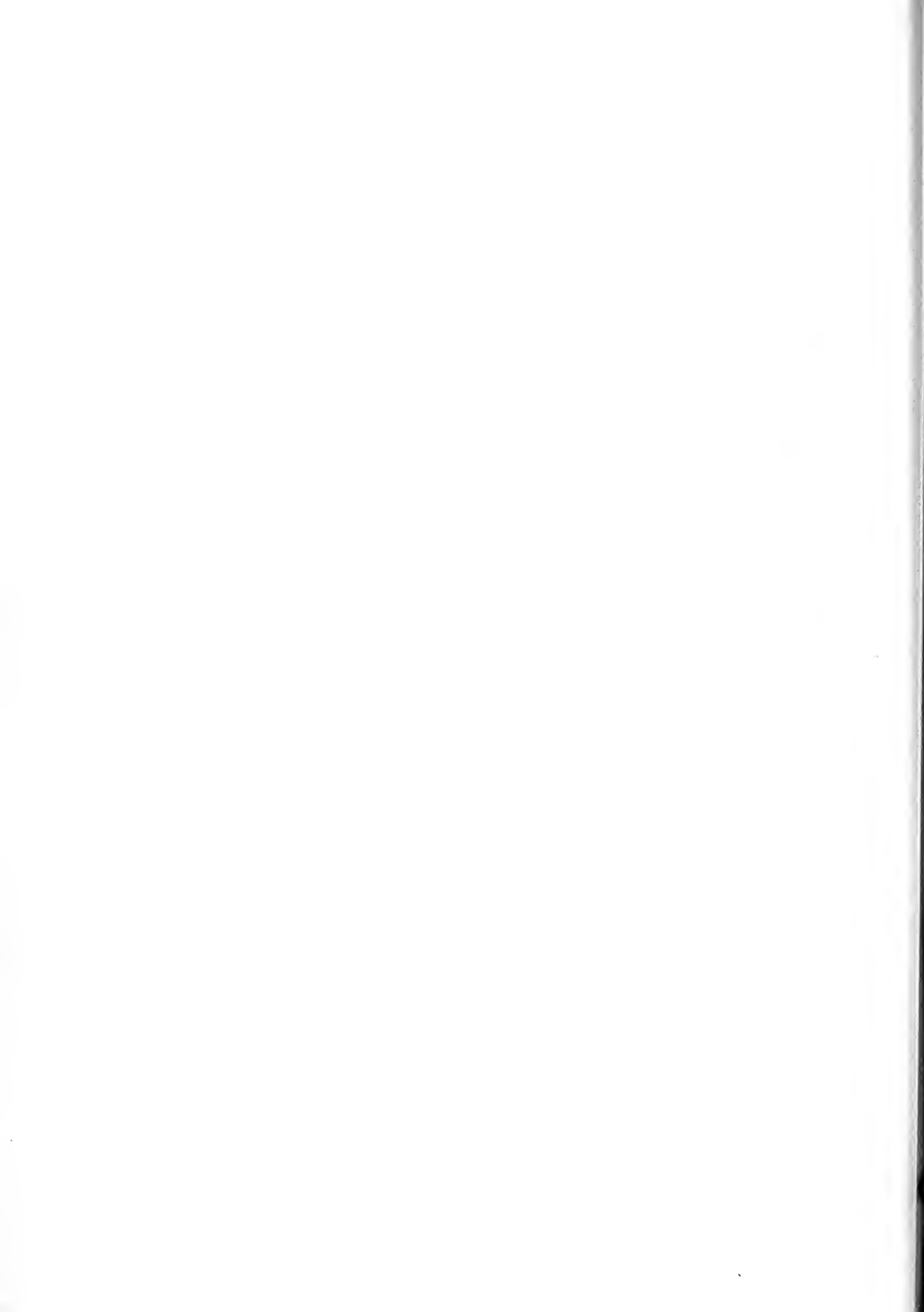
10.—(1) Where, on an application before the Board under this Act, a question arises as to whether an undertaking has been transferred from the Crown to an employer, the Board shall determine the question and its decision is final and conclusive for the purposes of this Act. Power to determine whether transfer

(2) Where, on an application before the Tribunal under this Act, a question arises as to whether an undertaking has been transferred from an employer to the Crown, the Tribunal shall determine the question and its decision is final and conclusive for the purposes of this Act. Idem

(3) Where, on an application under this Act, an employee organization, trade union or council of trade unions alleges that an undertaking was transferred from the Crown to an employer or from an employer to the Crown, the respondents to the application shall adduce at the hearing all facts within their knowledge that are material to the allegation. Duty of respondent

11. This Act shall be deemed to have come into force on the 31st day of March, 1977. Commencement

12. This Act may be cited as *The Successor Rights (Crown Transfers) Act, 1977*. Short title



An Act to provide for successor Rights on
the Transfer of an Undertaking to or from
the Crown

1st Reading

April 12th, 1977

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Chairman, Management Board
of Cabinet

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Municipal Elections Act, 1972

MR. SMITH (Hamilton West)

EXPLANATORY NOTES

The Bill removes the property qualification which creates a distinction between those persons in a municipality who are qualified to vote for municipal representatives and those who are qualified to vote on money by-laws.

SECTION 1. Section 15, as re-enacted, would provide that all persons who are entitled to vote for municipal representatives may also vote in respect of money by-laws.

SECTION 2. The amendment removes a provision that permits a corporation to nominate a person to exercise its vote on a money by-law where the corporation satisfies the property qualification.

BILL 30

1977

**An Act to amend
The Municipal Elections Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Municipal Elections Act, 1972*, being ^{s. 15, re-enacted} chapter 95, as amended by the Statutes of Ontario, 1974, chapter 32, section 6, is repealed and the following substituted therefor:

15. Every person entitled to be an elector in a municipality under sections 12 and 13 is entitled to be an elector ^{All electors may vote on money by-laws} to vote on a money by-law.

- 2.—(1) Subsections 1 and 2 of section 16 of the said Act are ^{s. 16 (1, 2), repealed} repealed.

- (2) Subsection 3 of section 16 of the said Act, as re-enacted ^{s. 16 (3), repealed} by the Statutes of Ontario, 1974, chapter 32, section 7, is repealed.

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Municipal Elections Amendment Act, 1977*. ^{Short title}

An Act to amend
The Municipal Elections Act, 1972

1st Reading

April 12th, 1977

2nd Reading

3rd Reading

MR. SMITH (Hamilton West)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to require The Essex County Board of Education to
provide a French-language Secondary School**

THE HON. T. L. WELLS
Minister of Education

EXPLANATORY NOTE

The Bill requires The Essex County Board of Education to proceed with the selection of a site for and the planning and construction of a French-language secondary school designed to accommodate 750 French-speaking secondary school pupils and to thereafter conduct and maintain the school as a French-language secondary school in accordance with *The Education Act, 1974* and the regulations made thereunder.

Where the Board fails to proceed in the manner directed in the Bill, provision is made for the Minister to do all things necessary to cause the school to be constructed and to recover from the Board the expenses in so doing, beyond the amount of any grants payable to the Board by the Minister in respect of the construction of the school.

BILL 31**1977**

**An Act to require The Essex County Board
of Education to provide a French-language
Secondary School**

WHEREAS the French-language advisory committee of Preamble
The Essex County Board of Education has, since 1969, consistently recommended that a French-language secondary school be provided; and whereas, upon such recommendation having been rejected by the Board in the year 1974, the Languages of Instruction Commission of Ontario recommended that the Board provide such a school; and whereas The Essex County Board of Education, having initially rejected the recommendation of the Commission, subsequently agreed in April, 1975 to proceed with construction of a French-language secondary school, but on and after the 23rd day of February, 1976 ceased to proceed therewith; and whereas a mediator appointed by order in council No. 1452/76 recommended in February, 1977 that the Board build such school, but the Board, on or about the 8th day of March, 1977, decided not to build the school and it is now apparent that no such school will be provided at this time; and whereas there are sufficient French-speaking secondary school pupils resident in or adjacent to the area of jurisdiction of The Essex County Board of Education who have elected to be taught in the French language to warrant the provision of a French-language secondary school; and whereas the public interest, and in particular the interests of such French-speaking secondary school pupils, requires that such a school be constructed;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Essex County Board of Education;

- (b) "Deputy Minister" means the Deputy Minister of Education;
- (c) "Minister" means the Minister of Education;
- (d) "Ministry" means the Ministry of Education;
- (e) "School" means the French-language secondary school required to be constructed by this Act.

Deemed
resolution
of Board

2. On the day upon which this Act comes into force, the Board is deemed to have passed a resolution to construct a building suitable for a School to accommodate seven hundred and fifty French-speaking secondary school pupils.

Board to
construct
School

3. Within thirty days after the coming into force of this Act, the Board shall, at a special meeting of the Board,

- (a) select a site for the School that is not, on the day this Act comes into force, the location of an existing school; and
- (b) appoint an architect and any other persons required for the purpose of building the School,

and following such meeting, the Board shall forthwith proceed with the planning and design of the building, obtain all approvals required for construction of the School and, upon receipt of such approvals, proceed in accordance with the policies of the Board to tender and contract for the construction of the School.

Notice
by
Minister

4.—(1) Where, in the opinion of the Minister, the Board fails to take any action or proceeding that it is required to take under section 3, the Minister may, by notice in writing to the Board, specify the action or proceeding that the Board has failed to take and direct the Board to take such action or proceeding within such time, being not less than ten days after the notice is sent, as the notice specifies.

Minister
may cause
School to be
constructed

(2) Where the Minister has sent notice to the Board under subsection 1 and the Board fails to take the action or proceeding specified in the notice within the time limited therefor, the Minister may thereupon cause all such things to be done as are necessary to construct the School including, but not limited to, the selection of a site, the appointment of an architect, the planning and design of the building, the obtaining of all necessary approvals and the tendering and contracting for the construction of the School.

(3) The expenses incurred by the Minister in taking any action or proceeding that the Minister is authorized to take under subsection 2 that are in excess of any moneys payable to the Board by way of grant by the Minister in respect of the construction of the School are a debt due to the Crown by the Board and may be recovered with costs, by action in a court of competent jurisdiction.

Expenses
recoverable
from
Board

(4) The Minister, in exercising the powers conferred on him under subsection 2, may make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Use of
services
and
facilities
of
ministries,
etc.

(5) The Minister may in writing delegate to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions or requirements as the Minister sets out in his delegation, any of the powers conferred on the Minister under subsection 2.

Delegation
of
Minister's
powers

5. The School that is constructed under this Act shall be conducted and maintained by the Board as a French-language secondary school in accordance with *The Education Act, 1974* and the regulations made thereunder.

Conduct
of
School
1974, c. 109

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Essex County French-language Secondary School Act, 1977*.

Short title

An Act to require The Essex County
Board of Education to provide a
French-language Secondary School

1st Reading

April 14th, 1977

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Labour Relations Act

MR. STONG

EXPLANATORY NOTE

This Bill defines hospital pharmacists and establishes a bargaining unit of hospital pharmacists as an appropriate unit for collective bargaining.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Labour Relations Act*, being ^{s. 1 (1),} chapter 232 of the Revised Statutes of Ontario, 1970, as ^{amended} amended by the Statutes of Ontario, 1975, chapter 76, section 1, is further amended by adding thereto the following clause:

(ha) "hospital pharmacist" means an employee who is ^{1974, c. 47} licensed as a pharmacist pursuant to *The Health Disciplines Act, 1974* and employed in a hospital as defined in *The Hospital Labour Disputes Arbitration Act* in a professional capacity. ^{R.S.O. 1970, c. 208}
2. Section 6 of the said Act, as amended by the Statutes of ^{s. 6,} Ontario, 1975, chapter 76, section 3, is further amended by ^{amended} adding thereto the following subsection:

(5) A bargaining unit consisting solely of hospital pharmacist ^{Hospital pharmacists} shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but the Board may include hospital pharmacists in a bargaining unit with other employees if the Board is satisfied that a majority of such hospital pharmacists wish to be included in such bargaining unit.
3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Labour Relations Amendment Act, 1977*. ^{Short title}

An Act to amend
The Labour Relations Act

1st Reading

April 14th, 1977

2nd Reading

3rd Reading

MR. STONG

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting Certain Rights of
Patients receiving Health Care Services in Ontario**

MR. DUKSZTA

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to declare and protect certain rights of medical patients in Ontario. The Bill is divided into three Parts.

Part I of the Bill is designed to protect the confidentiality of a patient's medical record. The Bill declares a general prohibition against disclosure of a medical record but allows for some exceptions to ensure proper treatment and care of the patient. A patient also has a right of access to his own medical record. A person who violates these provisions may be found guilty of professional misconduct in a disciplinary proceeding.

Part II of the Bill is designed to ensure that a patient is provided with adequate information about a proposed form of treatment before giving a written consent to the treatment. The information must be provided to the patient in order for a consent to be considered as an informed consent. When enacted, this Part would amend the existing procedure for providing written consents established by regulation under *The Public Hospitals Act*. It would also affect any other procedure where a written consent is required.

Part III of the Bill is designed to protect persons who are admitted to psychiatric facilities as involuntary patients under *The Mental Health Act*. This Part amends that Act by creating additional review procedures to protect a person from being detained unnecessarily as an involuntary patient. In addition, the duration of a certificate of renewal is reduced to ensure that a patient is examined on a frequent and regular basis by an independent physician while he is detained as an involuntary patient.

BILL 33

1977

**An Act respecting
Certain Rights of Patients receiving
Health Care Services in Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "patient" means a person who is receiving or has received health care services administered by a physician or by a person on the medical staff of or employed by a health facility;
- (b) "physician" means a person licensed under Part III of *The Health Disciplines Act, 1974*.

1974, c. 47

PART I

THE RIGHT TO A CONFIDENTIAL RECORD

2. In this Part,

Interpre-
tation

- (a) "administrator" means the person who has for the time being the direct and actual superintendence and charge of a health facility;
- (b) "record" means any document, writing, diagram, chart, photograph, tape, statistical compilation or other material in which information or an opinion is recorded and preserved.

3.—(1) Notwithstanding any other Act or regulation, but subject to subsection 2, every record that is made by a person in the course of examination, diagnosis, treatment, or general health care of a patient is confidential as between that person and the patient, and no person shall disclose the record or a part thereof or otherwise make it available

Medical
record is
confidential

for examination, inspection or copying without the consent in writing of the patient.

Exceptions

(2) The consent referred to in subsection 1 is not required where the record is made available to,

- (a) a person who is involved in the direct health care of the patient if the record is required for the purpose of providing health care services to the patient;
- (b) an administrator and members of his staff if the record is required by statute or regulation for administrative purposes;
- (c) a spouse, parent, brother, sister or personal representative of the patient if the patient is deceased unless he has, in writing, directed otherwise;
- (d) the parent or guardian of the patient, if the patient is unmarried and under eighteen years of age; and
- (e) a person who is engaged in research if the record is part of a statistical compilation to be used for the purposes of research and the identity of the patient is not disclosed therein.

Where patient unable to consent

(3) Where the patient is unable to consent under subsection 1 by reason of mental or physical disability, the consent may be given by a spouse, parent, brother, sister or duly appointed committee.

Where patient is a minor

(4) Where the patient is unmarried and under eighteen years of age, the consent may be given by a parent or guardian of the patient.

Form and validity of consent

(5) A consent under subsection 2 shall,

- (a) describe the records to be disclosed;
- (b) name the person or persons to whom a record is available;
- (c) name the person or persons authorized to disclose the record; and
- (d) state the purpose of the disclosure,

and the consent takes effect upon being given to a person who is authorized to disclose the record.

4. A record mentioned in section 3 is open for examination by the patient in respect of whom it is made and no person shall refuse to permit a patient entitled thereto to examine such record or records, or copy or make extracts therefrom. ^{Patient's right of access to medical record}

5.—(1) For the purposes of a disciplinary proceeding brought under *The Health Disciplines Act, 1974*, or any other Act or regulation, a person who, contrary to this Act, discloses a record or part thereof or withholds a record from a patient who is entitled to its disclosure is guilty of professional misconduct. ^{Professional misconduct 1974, c. 47}

(2) A consent given under this Part by a person who had not attained the age of majority or was not mentally competent to consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority or was not mentally competent to consent, as the case may be. ^{Direction deemed valid}

6. Section 11 of *The Public Hospitals Act*, being chapter 378 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 378, s. 11, re-enacted}

11. The medical record compiled in a hospital for a patient or an out-patient is the property of the hospital and shall be kept in the custody of the administrator subject to the right of a patient or an out-patient under *The Patients' Rights Act, 1977*. ^{Medical records 1977, c. ...}

PART II

THE RIGHT TO INFORMATION BEFORE SIGNING A CONSENT TO TREATMENT

7.—(1) No written consent to a surgical operation, diagnostic procedure or other form of medical treatment is binding as an informed consent unless, prior to the signing of the consent, the person giving it has been provided with an information form signed by a physician setting forth, ^{Information form concerning treatment}

- (a) the nature of the patient's medical problem;
- (b) the advisability of treatment of the medical problem;
- (c) the objectives sought to be achieved by treatment of the medical problem;
- (d) the nature of the risks inherent in the chosen treatment; and

- (e) any alternative treatment that has been suggested to the patient and the risks inherent in such treatment.

Information
must be com-
prehensible

(2) The information furnished by the physician under subsection 1 shall be in a language that the person giving the consent can understand and shall describe the medical problem, treatment, and other matters of a medical nature in terms that are meaningful to him.

Information
form is
part of
consent

8. Where a person signs a written consent to a surgical operation, diagnostic procedure or other form of medical treatment, a copy of the information form provided under section 7 signed by the physician and the person giving the consent shall be attached to the consent and thereafter forms a part thereof for the purposes of determining the validity of the consent.

PART III

THE RIGHT OF DUE PROCESS FOR INVOLUNTARY PATIENTS

R.S.O. 1970,
c. 269, s. 8 (5),
repealed

9. Subsection 5 of section 8 of *The Mental Health Act*, being chapter 269 of the Revised Statutes of Ontario, 1970, is repealed.

ss. 8a, 8b,
enacted

10. The said Act is amended by adding thereto the following sections:

Authority of
application

8a.—(1) Subject to subsection 2, an application under section 8 is sufficient authority,

(a) to any person to convey the person who is the subject of the application to a psychiatric facility; and

(b) to the authorities thereof to admit and detain him therein for a period of not more than four days.

Person
detained
must be
advised
of rights

(2) No person who is the subject of the application shall be admitted and detained in the psychiatric facility until he is advised of his rights to review under this Act and his right to retain legal counsel.

Review by
Attorney
General

8b.—(1) A physician who completes an application under section 8 shall send a copy thereof immediately to the Attorney General and the Attorney General shall thereupon appoint a person or persons to make inquiry into all the

circumstances of the case and to advise him within 48 hours of the appointment whether, in the opinion of the person making the inquiry, there are reasonable and probable grounds for the application.

(2) The Attorney General may, at any time, order that the application is void and, where the person who is the subject of the application is detained, that he be released forthwith. Order voiding application

11. Section 13 of the said Act is repealed and the following substituted therefor: s. 13, re-enacted

13.—(1) Subject to subsection 4, the period of detention of an involuntary patient may be extended upon the completion of a certificate of renewal in the prescribed form by the attending physician after personal examination. Certificate of renewal

(2) A certificate of renewal is authority to detain the patient as follows: Authority of certificate of renewal

1. First certificate—not more than ten additional days.
2. Second certificate—not more than fourteen additional days.
3. Third certificate—not more than twenty-eight additional days.
4. Each subsequent certificate—not more than twenty-eight additional days.

(3) The attending physician shall not complete a certificate of renewal unless the patient, Conditions precedent to making of certificate of renewal

- (a) suffers from mental disorder of a nature or degree so as to require further hospitalization in the interests of his own safety or the safety of others; and
- (b) is not suitable to be continued as an informal patient.

(4) Where a period of detention is extended by a third or subsequent certificate of renewal, the involuntary patient shall be examined by a physician who is not on the staff of the psychiatric facility and where, in the opinion of the physician, the patient, Examination by outside psychiatrist

(a) does not suffer from mental disorder of a nature or degree so as to require hospitalization in the interests of his own safety or the safety of others; or

(b) is suitable for admission as an informal patient,

he shall forthwith communicate his decision to the review board and it shall conduct an inquiry as if an application was made to it under section 28.

Change of
status where
period of
detention
not expired

(5) An involuntary patient whose authorized period of detention has expired shall be deemed to be an informal patient.

Idem.
where period
of detention
has not
expired

(6) An involuntary patient whose authorized period of detention has not expired may be continued as an informal patient upon completion of the prescribed form by the attending physician.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Patients' Rights Act, 1977*.

An Act respecting Certain Rights
of Patients receiving Health
Care Services in Ontario

1st Reading

April 14th, 1977

2nd Reading

3rd Reading

MR. DUKSZTA

(*Private Member's Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Airports Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Airports Act presently reads as follows:

1. *In this Act,*

(a) "Minister" means the Minister of Transport;

(b) "municipality" includes a metropolitan municipality.

2.—(1) *The Crown in right of Ontario, represented by the Minister, may enter into agreements with the Government of Canada and any municipality, corporation or individual, or any one or more of them, with respect to any matter in relation to the establishment, extension, improvement or maintenance of airports to serve any one or more areas in Ontario.*

(2) *Any municipality may enter into agreements under subsection 1.*

3. *The Minister, with the approval of the Lieutenant Governor in Council, may provide funds to any municipality, corporation or individual for the purposes of acquiring by purchase, lease or otherwise any land or interest in land or any equipment, apparatus or thing that may be required for the establishment, extension, improvement or maintenance of any airport in respect of which an agreement has been entered into under section 2.*

4. *The Minister may acquire, establish, operate and maintain airports and landing grounds to serve any one or more areas in Ontario.*

5. *The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature.*

SECTIONS 2 AND 3. The new subsection 1 of section 2 of the Act,

(a) combines sections 2 (1) and 3 of the Act;

(b) clarifies that the subject-matter of an authorized agreement may include construction of or within an airport; and

(c) permits the subsidization of all matters which are part of an authorized agreement rather than only the acquisition of land or equipment.

SECTION 4. The new subsection 1 of section 4 of the Act clarifies the existing section 4 of the Act by adding the word "construct".

Subsections 2 and 3 of the new section 4 of the Act are self-explanatory.

BILL 34

1977

An Act to amend The Airports Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Airports Act*, being chapter 17 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) "Minister" means the Minister of Transportation and Communications.

2. Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (1),
re-enacted

(1) The Crown in right of Ontario, represented by the Minister, may enter into agreements with the Government of Canada, any municipality, corporation or individual, or any one or more of them, with respect to any matter in relation to the acquisition, establishment, extension, improvement, construction, operation or maintenance of airports to serve any one or more areas in Ontario, and the Minister, with the approval of the Lieutenant Governor in Council, may provide funds to the municipality, corporation or individual for such purposes. Authoriza-
tion for
agreements
and
provision
of funds

3. Section 3 of the said Act is repealed. s. 3,
repealed

4. Section 4 of the said Act is repealed and the following substituted therefor: s. 4,
re-enacted

4.—(1) The Minister may acquire, establish, construct, operate and maintain airports and landing grounds to serve any one or more areas in Ontario. Power of
Minister to
establish
airports

(2) The Minister may set apart any part of an airport or landing ground which is under his jurisdiction and control, or any building, premises or structure thereon, or any part Leasing of
airport
facilities

thereof, for a limited use and may lease the same at such rental and upon such terms and conditions as he considers proper.

Idem

(3) A lease under subsection 2 for a term of twenty-one years or longer is subject to the approval of the Lieutenant Governor in Council.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Airports Amendment Act, 1977*.



An Act to amend
The Airports Act

1st Reading

April 15th, 1977

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation
and Communications

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Public Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The Bill defines a “car pool vehicle”.

Subsection 2. Section 1 (g) of the Act defines “public vehicle”. The effect of the insertion is to exclude “car pool vehicles” from the definition of a public vehicle.

An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Public Vehicles Act*, being chapter 392^{s. 1, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is further amended by adding thereto the following clause:

(aa) “car pool vehicle” means a motor vehicle as defined in *The Highway Traffic Act*,^{R.S.O. 1970, c. 202}

- (i) with a seating capacity of not more than twelve persons,
- (ii) while it is operated transporting no more than twelve commuters including the driver, none of whom pay for the transportation more frequently than on a weekly basis,
- (iii) that is not used by any one driver to transport commuters for more than one round trip per day, and
- (iv) the owner, or if the vehicle is subject to a lease, the lessee, of which does not own or lease another car pool vehicle unless he is the employer of a majority of the commuters transported in the vehicles,

but does not include a motor vehicle while being operated by or under contract with a school board or other authority in charge of a school for the transportation of children to or from school.

- (2) Clause *g* of the said section 1 is amended by inserting^{s. 1 (g), amended} after “taxicabs” in the seventh line “car pool vehicles”.

s. 1 (i),
amended

(3) Clause *i* of the said section 1 is amended by inserting after "*Act*" in the second line "other than a car pool vehicle".

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Public Vehicles Amendment Act, 1977*.

Subsection 3. Section 1 (i) of the Act defines "taxicab". The effect of the insertion is to exclude "car pool vehicles" from the definition of a taxicab.

An Act to amend
The Public Vehicles Act

1st Reading

April 15th, 1977

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation
and Communications

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to establish Electrical Service Areas in
The Regional Municipality of Waterloo**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill restructures the municipal hydro-electric utilities within The Regional Municipality of Waterloo.

The area municipalities are organized into three electrical service areas. A hydro-electric commission is established for each area on the day the Act comes into force.

A transitional period is provided before the new commissions become fully operational.

The members of the commissions will include the mayors of the municipalities in the electrical service areas and certain additional members qualified as municipal electors in the more populous municipalities.

Customers within the area municipalities presently served by Ontario Hydro's rural retail power distribution system will be supplied with power by the new commissions.

Provision is made for the transfer of employees and the protection of their salaries and benefits.

BILL 36

1977

**An Act to establish
Electrical Service Areas in
The Regional Municipality of Waterloo**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means an area municipality within the meaning of *The Regional Municipality of Waterloo Act, 1972*; ^{1972, c. 105}
- (c) "electrical service area" means an electrical service area established by subsection 1 of section 2;
- (d) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act.

2.—(1) On the day this Act comes into force, in The <sup>Electrical
service
areas</sup> Regional Municipality of Waterloo,

- (a) the area within the area municipalities of the City of Waterloo, the Township of Wellesley and the

Township of Woolwich is established as an electrical service area ;

(b) the area within the area municipalities of the City of Kitchener and the Township of Wilmot is established as an electrical service area ; and

(c) the area within the area municipalities of the City of Cambridge and the Township of North Dumfries is established as an electrical service area.

Commissions
established

R.S.O. 1970,
c. 390

R.S.O. 1970,
c. 354

(2) A hydro-electric commission for each of the electrical service areas established by subsection 1 is hereby established on the day this Act comes into force, and each commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* by the councils of the area municipalities comprising the electrical service area served by the commission acting in concert and a municipal commission within the meaning of *The Power Corporation Act*, and section 45 of *The Public Utilities Act* does not apply to the commissions.

Composition

1972, c. 95

(3) The commission for the electrical service area established by clause *a* of subsection 1 shall be known as the ESA-1 Hydro-Electric Commission and shall consist of the Mayor of the City of Waterloo, the Mayor of the Township of Woolwich, the Mayor of the Township of Wellesley, three additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Waterloo, and one additional member who is a qualified elector under *The Municipal Elections Act, 1972* in the Township of Woolwich.

Idem

(4) The commission for the electrical service area established by clause *b* of subsection 1 shall be known as the ESA-2 Hydro-Electric Commission and shall consist of the Mayor of the City of Kitchener, the Mayor of the Township of Wilmot, four additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Kitchener, and one additional member who is a qualified elector under *The Municipal Elections Act, 1972* in the Township of Wilmot.

Idem

(5) The commission for the electrical service area established by clause *c* of subsection 1 shall be known as the ESA-3 Hydro-Electric Commission and shall consist of the Mayor of the City of Cambridge, the Mayor of the Township of North Dumfries, and three additional members who are qualified electors under *The Municipal Elections Act, 1972* in the City of Cambridge.

(6) The name of a commission may be changed by resolution of the commission to a name commencing with the words "Hydro-Electric Commission of". Names of commissions

(7) The additional members in respect of each area municipality shall be appointed on or before the 1st day of October, 1977 by the council of the area municipality from the members of the hydro-electric commissions and public utility commissions distributing and selling power within that municipality on the day this Act comes into force, to serve for a term expiring with the 31st day of December, 1978. Additional members of first commissions

(8) For terms commencing after the 31st day of December, 1978, the additional members in respect of each area municipality shall be elected by a general vote of the electors of the area municipality, unless before the 1st day of January, 1978 the council of the area municipality provides by by-law that the additional member or members in respect of that area municipality shall be appointed by the council. Idem

(9) Members of the councils of the area municipalities comprising the electrical service area in respect of which a commission is established by this Act may be appointed as members of the commission, but the members of the councils shall not form a majority of the commission. Eligibility of members of council

(10) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(11) The council of an area municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. Delegates

(12) Where a vacancy in a commission occurs from any cause, the council of the area municipality in respect of which the person whose seat became vacant was elected or appointed shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected or appointed. Filling of vacancies

(13) Subject to the approval of Ontario Hydro, the salary or other remuneration of the commissioners shall from time to time be fixed by the council of the area municipality in respect of which they are elected or appointed, and the salary of the first commissioners shall be fixed on or before the 1st day of October, 1977 in an amount that does not exceed the highest salary paid to members of hydro-electric commissions and public utilities commissions operating in the Salary

1972, c. 105 Regional Area within the meaning of *The Regional Municipality of Waterloo Act, 1972* on the 1st day of January, 1977.

Resignation (14) A resignation from the council of a member of a council who is a member of a commission established by section 2 shall be deemed to be a resignation from both the commission and the council.

Powers of
commissions
R.S.O. 1970,
c. 390 **3.—**(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of January, 1978, be exercised on behalf of the area municipalities comprising an electrical service area by the commission established by section 2 in respect of that electrical service area and not by the council of any area municipality or the council of The Regional Municipality of Waterloo or any other body.

Idem (2) Subject to subsection 4 and to any subsisting contracts for the supply of power to customers within the meaning of subsection 1 of section 37a of *The Ontario Energy Board Act*, on and after the 1st day of January, 1978, each commission established by section 2 has the sole right to supply power within its electrical service area, and, on behalf of the area municipalities within its electrical service area, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within its electrical service area, without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,
c. 312

R.S.O. 1970,
c. 284

Applica-
tion of
R.S.O. 1970,
c. 354 (3) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions established by section 2.

Direct
customers (4) Subject to the consent of a commission established by section 2, Ontario Hydro may supply power directly to customers within the electrical service area in respect of which the commission is established.

Transitional (5) Such management and control of works for the distribution and supply of power within the electrical service areas as are exercised by hydro-electric commissions, public utilities commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them

to and including the 31st day of December, 1977, but any of the assets, powers and responsibilities of such commissions may by agreement be transferred to a commission established by this Act.

(6) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in an electrical service area to the extent that they pertain to the distribution and supply of power in the electrical service area are assets under the control and management of and liabilities of the commission established by section 2 in respect of the electrical service area without compensation.

Transfer of
assets and
liabilities

(7) The trustees of the police village of Baden as it existed on the 31st day of December, 1972 shall be deemed to have been established as a hydro-electric commission for the police village of Baden under Part III of *The Public Utilities Act* and the commission is dissolved on the 2nd day of January, 1978.

Baden
village
trustees
deemed
commission
R.S.O. 1970,
c. 390

(8) Subject to subsection 4 and the regulations, each commission established by section 2 shall acquire, on behalf of the area municipalities comprising the electrical service area served by the commission, the retail distribution facilities within its electrical service area used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power including equipment leased by Ontario Hydro to retail customers within the electrical service area for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase of
retail distri-
bution
facilities
from
Ontario
Hydro

(9) If the price of the facilities referred to in subsection 8 has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to *The Arbitrations Act* in accordance with subsection 8 and the regulations and the decision of the arbitrator shall not be subject to appeal.

Where price
to be deter-
mined by
arbitration

R.S.O. 1970,
c. 25

4.—(1) All real property transferred pursuant to section 3 to the control and management of a commission established by this Act or otherwise acquired by or for the commission, shall be taken and held by the commission in trust for the area municipalities comprising the electrical service area served by the commission.

Vesting
of real
property

Disposition
of real
property

(2) Where a commission established by this Act is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and area municipalities comprising the electrical service area served by the commission, it may be disposed of as follows:

1. In the event that the area municipality in which the real property is located wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality in which the real property is located does not wish to retain the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the area municipalities comprising the electrical service area, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

Borrowing
1972, c. 105

5.—(1) Except as otherwise provided in this Act, sections 122, 133 to 135 and 137 to 155 of *The Regional Municipality of Waterloo Act, 1972* apply, with necessary modifications, to any borrowing for the purposes of a commission established by this Act.

Request

(2) Subject to the approval of Ontario Hydro, a commission established by section 2 may request the area municipalities comprising the electrical service area in respect of which the commission is established to approve the borrowing of money and the councils of the area municipalities shall approve or disapprove the borrowing within thirty days of the making of the request.

Approval

(3) Notwithstanding the failure or refusal of the council of an area municipality in an electrical service area in

respect of which a commission is established to approve a proposed borrowing, where one or more area municipalities whose equalized assessment is in the aggregate more than 50 per cent of the equalized assessment of the electrical service area approve the proposed borrowing, the area municipalities comprising the electrical service area that approve the proposed borrowing shall apply to the Ontario Municipal Board for approval of the proposed borrowing on behalf of all the area municipalities comprising the electrical service area.

(4) Notwithstanding the failure or refusal of an area municipality to approve a borrowing under this section and subject to section 36 of *The Public Utilities Act*, each area municipality within an electrical service area is liable for such proportion of the payments required to be made on account of any borrowing under this section as the equalized assessment of the municipality bears to the equalized assessment of the electrical service area.

Responsi-
bility of area
municipalities
R.S.O. 1970,
c. 390

6.—(1) Each commission established by section 2 shall file annually with the council of each area municipality in the electrical service area served by the commission a statement of the affairs of the commission and its capital borrowing forecast.

Financial
statements

(2) The accounts of each commission established by section 2 shall be audited by such of the auditors of the area municipalities comprising the electrical service area served by the commission as may be jointly appointed by identical by-laws of the councils of the area municipalities.

Auditors

7.—(1) In this section, "transfer date", when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the electrical service areas and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the electrical service areas on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions established by section 2 shall offer employment to the employees so designated.

Transfer of
employees

Wages or
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-
pation in
O.M.E.R.S.

R.S.O. 1970,
c. 324

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* and the regulations under that Act apply to such person as a member of the System.

Supple-
mentary
agreements

(5) Where a person who accepts employment under this section with a commission established by section 2 is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an electrical service area and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission.

Transfer of
pension
credits from
Ontario
Hydro plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Idem

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there were no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

- (8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer. ^{Group life insurance}

- (9) On or before the 31st day of December, 1979, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date. ^{Idem}

- (10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the employee shall receive allowance or credit for any accrued sick leave rights or benefits. ^{Sick leave}

- (11) The commissions established by section 2 shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the electrical service areas by public utilities commissions and municipal hydro-electric commissions. ^{Life insurance provided to pensioners}

- (12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. ^{Termination for cause}

Special
circum-
stances

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution
of existing
commissions
1972, c. 105

8. For the purposes of section 178 of *The Regional Municipality of Waterloo Act, 1972*, the 2nd day of January, 1978 is the date determined and designated by the Minister, and on that date the municipal hydro-electric commissions and public utilities commissions referred to therein, except the Elmira Public Utilities Commission, are dissolved and the by-laws establishing them passed pursuant to section 38 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

R.S.O. 1970,
c. 390

Regulations

9. The Lieutenant Governor in Council may make regulations,

(a) for the purposes of subsection 8 of section 3 in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the facilities;

- (b) for the purposes of subsection 7 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

10. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

11. This Act may be cited as *The Waterloo Electrical* ^{Short title} *Service Areas Act, 1977.*

An Act to establish Electrical
Service Areas in The Regional
Municipality of Waterloo

1st Reading

April 18th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Ontario Human Rights Code

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

The purpose of the Bill is to prevent discrimination on the basis of a physical handicap.

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being ^{Preamble amended} chapter 318 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 119, section 1, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
2. Subsection 1 of section 1 of the said Act, as amended by the ^{s. 1 (1), amended} Statutes of Ontario, 1972, chapter 119, section 2, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
3. Subsection 1 of section 2 of the said Act, as amended by the ^{s. 2 (1), amended} Statutes of Ontario, 1972, chapter 119, section 3, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
4. Subsection 1 of section 3 of the said Act, as re-enacted by the ^{s. 3 (1), amended} Statutes of Ontario, 1972, chapter 119, section 4, is amended by inserting after "sex" in the eleventh line "a physical handicap".
- 5.—(1) Subsection 1 of section 4 of the said Act, as re-enacted ^{s. 4 (1), amended} by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after "status" in the twenty-second line "a physical handicap".
- (2) Subsection 2 of the said section 4 is amended by ^{s. 4 (2), amended} inserting after "status" in the fifth line "a physical handicap".
- (3) Subsection 3 of the said section 4 is amended by ^{s. 4 (3), amended} inserting after "status" in the ninth line "a physical handicap".

s. 4 (5),
amended

- (4) Subsection 5 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".

s. 4,
amended

- (5) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection:

Exception

- (6a) The provisions of this section do not apply where the nature or extent of the physical handicap would reasonably preclude the performance of the particular employment.

s. 4 (7),
amended

- (6) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".

s. 4a (1),
amended

- 6.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "a physical handicap".

s. 4a (2),
amended

- (2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical handicap".

s. 6a,
amended

7. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical handicaps".

s. 9 (a, c),
amended

8. Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical handicaps".

s. 19,
amended

9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause:

- (ha) "physical handicap" means a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness and includes epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a seeing eye dog, wheelchair, or other remedial appliance or device.

- 10.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 11.** This Act may be cited as *The Ontario Human Rights Code* Short title
Amendment Act, 1977.

An Act to amend
The Ontario Human Rights Code

1st Reading

April 18th, 1977

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Toxic and Hazardous Substances

MR. LEWIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is,

- (1) to require that every new substance or new process be tested for toxic or hazardous characteristics by an independent research organization before it is introduced into the work place.
- (2) to enable the Minister of Labour to require any substance or process already in use be tested for toxic or hazardous characteristics by an independent research organization when the effect on the health of the employees is in question.
- (3) where toxic or hazardous characteristics are found through the testing procedure, the Minister can prohibit, severely limit or place conditions on its introduction.
- (4) to require an annual audit of the use by amount of toxic or hazardous substances and mixtures in each work place.

BILL 38

1977

An Act respecting Toxic and Hazardous Substances

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Labour;
- (b) "substance" means any solid, liquid, gaseous or other substance or any component thereof and includes any combination, blending or mixture of substances;
- (c) "process" means any chemical, mechanical, electrical, catalytic or other process or any component thereof and includes any combination of chemical, mechanical, electrical, catalytic or other processes;
- (d) "new substance" means any substance not in commercial use on or before the date this Act comes into force;
- (e) "new process" means any process not in commercial use on or before the date this Act comes into force;
- (f) "manufacturer" includes any enterprise engaged in the use, distribution or sale of any substance or process, whether manufactured, purchased or imported in whole or in part by the enterprise;
- (g) "research organization" includes any independent research organization approved by the Minister.

2. No manufacturer shall use, distribute or sell any new substance or new process, whether manufactured, pur-

Minister
must approve
new sub-
stance or
process

chased or imported in whole or in part by the manufacturer without the approval of the Minister.

Notice to
Minister

3. A manufacturer who proposes to use, distribute or sell a new substance or a new process, whether manufactured, purchased or imported in whole or in part by the manufacturer, shall give notice of intention in writing to the Minister in the prescribed form.

Power of the
Minister to
approve or
order tests

4. The Minister upon receiving any notice of intention shall,

- (a) approve the use, distribution or sale of the new substance or new process whether manufactured, purchased or imported in whole or in part by the manufacturer, which is known to the Minister to be non-toxic or otherwise non-hazardous to any employee in a workplace; or
- (b) designate the research organization to test the new substance or new process whether manufactured, purchased or imported in whole or in part by the manufacturer which is not known to the Minister to be non-toxic or otherwise non-hazardous to any employee in a workplace.

Research
organization
to undertake
testing

5.—(1) The research organization designated by the Minister under section 4 (b) to test the new substance or new process shall undertake the prescribed tests and shall report to the Minister and to the manufacturer,

- (a) the results of the tests; and
- (b) the conclusions about the extent to which the new substance or new process is toxic or otherwise hazardous to human beings; and
- (c) the recommendations about the use, distribution or sale of the new substance or new process and the conditions of its use, distribution or sale.

Costs of
testing

(2) The reasonable costs incurred by the research organization designated under section 4 (b) for testing the new substance or new process and reporting thereon to the Minister and the manufacturer shall be borne by the manufacturer.

Where
Minister may
give approval

6.—(1) Where the results of the tests provided for in section 4 (b) indicate that the new substance or new process is not likely to be toxic or otherwise hazardous to the

health of any employee in a work place, the Minister may forthwith approve the use, distribution or sale of the new substance or process.

(2) Where the results of the tests provided for in section 4 (b) indicate that the new substance or new process may be toxic or otherwise hazardous to the health of any employee in a work place, the Minister shall make such order as, in his opinion, is necessary to provide for the safety of such employees including one or more of the following,

Where
Minister may
limit use of
substance

- (a) prohibiting the use, distribution or sale of the new substance or new process;
- (b) limiting the use, distribution or sale of the new substance or new process to a particular amount, use, concentration or emission level; or
- (c) requiring that the new substance or new process be marked with or accompanied by clear warnings and instructions concerning its use and disposal.

7. Notwithstanding that a substance or process was in use, distributed or sold before this Act came into force, or has been approved by the Minister under this Act, the Minister may order tests on any substance or process where, in the opinion of the Minister, such testing or further testing is required in the interests of the safety of employees in contact with the substance or process, and where such tests are ordered under this section, the provisions of this Act apply *mutatis mutandis* to the substance or process as if it were a new substance or new process.

Additional
power of
Minister to
order tests

8. Every manufacturer shall prepare and file an annual report in prescribed form in respect of the use of substances and processes with toxic or hazardous characteristics.

Annual
report

9. Nothing in this Act shall be construed to alter or affect the liability and obligation of the manufacturer as now exists in law.

Civil
liability
not affected

10.—(1) Every person who,

Offence

- (a) contravenes any of the provisions of this Act;
- (b) fails to comply with an order made under this Act;
or
- (c) contravenes any provision of the regulations,

and every director or officer who knowingly concurs in such contravention or failure is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Idem (2) Where a corporation is convicted of an offence under subsection 1, the maximum fine that may be imposed is \$100,000 and not as provided therein.

Regulations **11.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing tests to be carried out on new substances or new processes;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Commence-
ment** **12.** This Act comes into force on the day it receives Royal Assent.

Short title **13.** This Act may be cited as *The Toxic and Hazardous Substances Act, 1977*.

An Act respecting
Toxic and Hazardous Substances

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

MR. LEWIS

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to prohibit
Discrimination in Business Transactions**

MR. GROSSMAN

EXPLANATORY NOTE

The Bill is designed to protect a business against discrimination in its business dealings on the basis of the race, creed, colour, marital status, nationality, ancestry or place of origin of its directors, shareholders and personnel. The protection against these types of discrimination is also extended to individual persons working in a business environment.

BILL 39

1977

An Act to prohibit Discrimination in Business Transactions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970.
c. 113
- (b) "person" includes a partnership, sole proprietorship, unincorporated association, and governmental agency;
- (c) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

2. For the purposes of this Act, the following shall be deemed to be discriminatory business practices,

Discrimi-
natory
business
practices

- (a) a refusal to sell goods and services to, buy goods and services from or otherwise carry on business with another person because of the race, creed, colour, marital status, nationality, ancestry or place of origin of such person or of its directors, officers, shareholders, employees, associates or members;
- (b) a refusal to sell goods and services to, buy goods and services from or otherwise carry on business with another person because of the race, creed, colour, marital status, nationality, ancestry, or place of origin of a supplier, customer or other person in a lawful business relationship with such person or of the directors, officers, shareholders, employees, associates or members of that supplier, customer or other person;

- (c) the making of a contract that includes a provision that one party shall make a refusal referred to in clause *a* or *b* in respect of a person or class of persons not or party to the contract as a condition to doing business with the other party.

Discriminatory
business
practices
prohibited

3.—(1) No person shall engage in a discriminatory business practice.

Information
prohibited

(2) No person shall provide any information in relation to the race, creed, colour, marital status, nationality or place of origin of that person or its directors, officers, shareholders, employees, associates, members, suppliers, customers, or other persons with whom it maintains a lawful business relationship as a condition to doing business with another person.

Order to cease
discriminatory
business
practice

4.—(1) Where the Director has reasonable cause to believe that a person is engaging (or has engaged) in a discriminatory business practice, the Director may order such person to comply with section 3 in respect of the discriminatory practice or practices specified in the order.

Notice of
order

(2) Where the Director makes an order under subsection 1, he shall serve each person named in the order with a copy of the order together with written reasons therein.

Request for
hearing

(3) Each person named in an order may require a hearing by the Tribunal if he mails or delivers within fifteen days after receiving the order under subsection 2 notice in writing requiring a hearing to the Director and the Tribunal.

Hearing

(4) Where a person named in an order requires a hearing by the Tribunal under subsection 3, the Tribunal shall appoint a time for and hold the hearing and may confirm or set aside the order or make such order as the Tribunal considers the Director ought to take in accordance with this Act and for such purposes the Tribunal may substitute its opinion for that of the Director.

Effect
of order

(5) An order of the Director shall take effect immediately, but the Tribunal may grant a stay until the completion of the hearing.

Investigation
by the
Director

5. Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person is contravening a provision of this Act, the Director may by order appoint one or more persons to make an investigation as to whether such a contravention of the Act has occurred and section 11 of *The Business Practices Act, 1974* applies *mutatis mutandis* in respect of such investigation.

6. A provision in a contract that provides for a matter ^{Contractual provision} that is a discriminatory business practice under this Act is null and void and is severable from the contract.

7.—(1) Every person who contravenes section 3 or fails ^{Offence} to comply with an order made under section 3 and every director or officer of a corporation who knowingly concurs in such contravention or failure to comply is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporation} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

8. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

9. This Act may be cited as *The Discriminatory Business* ^{Short title} *Practices Prohibition Act, 1977.*

An Act to prohibit
Discrimination in Business Transactions

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

MR. GROSSMAN

(*Private Member's Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Income Tax Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsections 1 and 2. Subsection 3 of section 3 now reads as follows:

(3) *For the purposes of this section, the percentage of the tax payable under the Federal Act to be used for computing the tax payable under this section is,*

- (a) *16 per cent in respect of the 1962 taxation year;*
- (b) *17 per cent in respect of the 1963 taxation year;*
- (c) *18 per cent in respect of the 1964 taxation year;*
- (d) *21 per cent in respect of the 1965 taxation year;*
- (e) *24 per cent in respect of the 1966 taxation year;*
- (f) *28 per cent in respect of the 1967, 1968, 1969 and 1970 taxation years;*
- (g) *27.5 per cent in respect of the 1971 taxation year; and*
- (h) *30.5 per cent in respect of the 1972, 1973, 1974, 1975, 1976 and 1977 taxation years.*

The amendments provide a new rate of income tax for the 1977 taxation year which is intended to increase the Province's share of the total income tax payable by a resident of Ontario to Canada and to Ontario. Income tax payable to Canada will decrease under arrangements made between the Province and the Federal Government and the increased rate proposed by the amendment will transfer to Ontario the reduction in Canada's share of the total personal income tax payable.

Subsection 3. Subclause ii of clause b of section 3 (6) now reads as follows:

(ii) *the taxpayer's income,*

- (A) *for the year, if section 114 of the Federal Act is not applicable, or*
- (B) *if section 114 of the Federal Act is applicable, for the period or periods in the year referred to in paragraph a thereof,*

minus any amounts deductible under clause b of subsection 1 of section 111 or section 112 of the Federal Act for the year or such period or periods, as the case may be.

These amendments are consequential to changes made in the Federal Act by Federal Bill C-22, which was assented to on February 24, 1977. The words added are intended, firstly, to clarify the application of subclause ii to income earned in Ontario, and secondly, to add a reference to section 110.1 of the Federal Act so that a taxpayer's deduction for eligible interest and dividends will not reduce his claim for a foreign tax credit against income tax.

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *g* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is amended by striking out “and” in the second line. s. 3 (3) (g),
amended
- (2) Clause *h* of subsection 3 of the said section 3, as re-enacted s. 3 (3) (h),
re-enacted by the Statutes of Ontario, 1976, chapter 81, section 1, is repealed and the following substituted therefor:
 - (h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years; and
 - (i) 44 per cent in respect of the 1977 taxation year.
- (3) Subclause ii of clause *b* of subsection 6 of the said section 3, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3 and amended by the Statutes of Ontario, 1976, chapter 12, section 1, is further amended, s. 3 (6) (b) (ii),
amended
 - (a) by inserting after “income” in the first line “earned in Ontario”; and
 - (b) by striking out “clause” in the tenth line and inserting in lieu thereof “section 110.1 or paragraph”.
2. Subsection 2 of section 5 of the said Act, as amended by the s. 5 (2),
re-enacted Statutes of Ontario, 1971 (2nd Session), chapter 1, section 5, is repealed and the following substituted therefor:
 - (2) Subsection 1 applies only in the case of an individual Application
of subs. 1 whose chief source of income throughout the averaging period was from farming or fishing.

s. 6a,
amended

3. Section 6a of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 12, section 2, is amended by striking out "\$1,534" in the second line and inserting in lieu thereof "\$1,680".

s. 10 (1),
amended

- 4.—(1) Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 10, is further amended by adding thereto the following clause:

1970-71-72,
c. 229 (Can.)

- (da) an amount as a benefit under the *Unemployment Insurance Act, 1971* (Canada).

s. 10 (1),
amended

- (2) Subsection 1 of the said section 10 is further amended by striking out "or" at the end of clause *g* and by adding thereto the following clauses:

R.S.C. 1970,
c. A-2

- (i) an adult training allowance under the *Adult Occupational Training Act* (Canada);

- (j) a payment out of or under a registered retirement savings plan or a plan referred to in subsection 12 of section 146 of the Federal Act as an amended plan; or

- (k) an amount as, on account of, or in lieu of payment of, or in satisfaction of proceeds of the surrender, cancellation or redemption of an income averaging annuity contract,

.

Commence-
ment

- 5.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsections 1 and 2 of section 1 and section 3 shall be deemed to have come into force on the 1st day of January, 1977.

Idem

- (3) Subsection 3 of section 1 shall be deemed to have come into force on the 1st day of January, 1976 and applies to the 1976 and subsequent taxation years.

Short title

6. This Act may be cited as *The Income Tax Amendment Act, 1977*.

SECTION 2. Subsection 2 of section 5 now reads as follows:

(2) *Subsection 1 applies only in the case of an individual who,*

(a) *throughout the averaging period,*

(i) *resided in Ontario, and*

(ii) *did not carry on a business with a permanent establishment (which, in this subsection, has the meaning given to that expression under the regulations made pursuant to section 120 of the Federal Act) outside Ontario; or*

(b) *throughout the averaging period,*

(i) *resided outside Ontario, and*

(ii) *had no income other than his income from the carrying on of a business with a permanent establishment in Ontario and nowhere else.*

The re-enactment provides that the income averaging provisions for farmers and fishermen apply, with respect to Ontario income tax, where the taxpayer has carried on farming or fishing during the averaging period in a province other than Ontario. The repealed subsection 2 applied only if the farmer or fisherman, during the averaging period, carried on business in Ontario. The re-enactment will provide that the income-averaging provisions are available to a farmer or fisherman regardless of where he carried on business or in what province he resided so long as his chief source of income, during the averaging period, is from farming or fishing. This will give the same basis of averaging liability to Ontario's personal income tax as is available to a farmer or fisherman in averaging his liability to federal income tax.

SECTION 3. The effect of the amendment is to increase to \$1,680 the level of taxable income below which no Ontario income tax is payable.

SECTION 4. Subsection 1 of section 10 now reads as follows:

(1) *Every person paying,*

(a) *salary or wages or other remuneration to an officer or employee;*

(b) *a superannuation or pension benefit;*

(c) *a retiring allowance;*

(d) *an amount upon or after the death of an officer or employee, in recognition of his services, to his legal representative or widow or to any other person whatsoever;*

(e) *an amount as a benefit under a supplementary unemployment benefit plan;*

(f) *an annuity payment;*

(g) *fees, commissions or other amounts for services; or*

(h) *a payment under a deferred profit-sharing plan or a plan referred to in section 147 of the Federal Act as a revoked plan,*

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the payee's tax for the year under this Act.

These amendments are required to bring the provincial Act into conformity with the federal *Income Tax Act*. They will require deductions at source to be made with respect to unemployment insurance benefits, adult training allowances, and lump sum payments under registered retirement savings plans and income averaging annuity contracts. The changes reflect amendments recently made to the Federal Act.

An Act to amend
The Income Tax Act

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Ontario Unconditional Grants Act, 1975**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The sections being re-enacted as they presently read are set out below, showing underlined the per capita and other sums that will be increased.

3. *In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows:*

1. \$9 per capita.

2. *An amount per capita in accordance with Schedule 1 based on the density of each area municipality.*

3. \$12 per capita where a regional municipality is deemed to be a city for the purposes of The Police Act.

4. \$8 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with The Police Act.

4. *In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of,*

(a) \$9;

(b) *the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;*

(c) \$12 where a regional municipality is deemed to be a city for the purposes of The Police Act; or

(d) \$8 in relation to each area municipality to which paragraph 4 of section 3 applies.

**An Act to amend
The Ontario Unconditional Grants Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 3 and 4 of *The Ontario Unconditional Grants Act*, ss. 3, 4, 1975, being chapter 7, are repealed and the following substituted therefor: re-enacted

3. In each year there shall be paid to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality as follows: Per capita grants

1. \$10 per capita.
2. An amount per capita in accordance with Schedule 1 based on the density of each area municipality.
3. \$15 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. R.S.O. 1970, c. 351
4. \$10 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

4. In each year, the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality by the sum of, Credit to area municipalities

(a) \$10;

(b) the per capita amount in relation to the area municipality in accordance with Schedule 1 based on the density of the area municipality;

R.S.O. 1970,
c. 351

(c) \$15 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; or

(d) \$10 in relation to each area municipality to which paragraph 4 of section 3 applies.

s. 5 (3),
re-enacted

2. Subsection 3 of section 5 of the said Act is repealed and the following substituted therefor:

Idem

(3) In each year, payments of \$10 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

s. 6 (3),
repealed

3. Subsection 3 of section 6 of the said Act is repealed.

s. 7 (4),
repealed

4. Subsection 4 of section 7 of the said Act is repealed.

s. 8,
re-enacted

5. Section 8 of the said Act is repealed and the following substituted therefor:

Transitional
grants

8. The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order, upon such terms and conditions as he considers appropriate, provide for payments to be made,

(a) to any regional municipality or lower tier municipality affected by an amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and

(b) to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.

s. 9,
re-enacted

6. Section 9 of the said Act is repealed and the following substituted therefor:

Resource
equalization
grants

9. In each year there shall be paid a resource equalization grant to each lower tier municipality whose equalized assessment per capita in the preceding year is below \$10,650, or such other amount as may be prescribed, in an amount based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to \$10,650 as applied to the net levy of the lower tier municipality.

SECTION 2. The effect of the re-enactment is to increase from \$8 to \$10 the per capita payments to each municipality that maintains its own police force or is under contract for policing by the Ontario Provincial Police Force.

SECTION 3. The subsection presently reads as follows:

- (3) *There shall be paid to each municipality set out in column 1 of Schedule 3,*
- (a) *in the year 1975, the sum set opposite the name of the municipality in column 2; and*
- (b) *in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.*

Providing as it does for certain payments to municipalities in the years 1975 and 1976 only, the subsection is being repealed as spent.

SECTION 4. The subsection presently reads as follows:

- (4) *Where in 1975 in any lower tier municipality, the mill rates that would have been levied on residential and farm property for all purposes, other than school purposes, would increase more than 5 per cent over the mill rates which would have been levied on such property had the method of calculating such mill rates not changed, the Minister may, by order, make a grant to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.*

Similar in intent to section 3 of the Bill; the provision is repealed as spent.

SECTION 5. Section 8 presently reads as follows:

8. *The Lieutenant Governor in Council may, to minimize changes in the incidence of local taxation and to promote the development of services on a regional basis, by order, upon such terms and conditions as he considers appropriate, provide for payments to be made,*
- (a) *to The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carlton, The Regional Municipality of York, The District Municipality of Muskoka and to any area municipality therein for a period not exceeding five years from the 23rd day of July, 1971;*
- (b) *to any other regional municipality or lower tier municipality affected by any amalgamation, annexation or change in the responsibility for the provision of services, for a period not exceeding five years after the effective date of such amalgamation, annexation or change in responsibility; and*
- (c) *notwithstanding clause a, to the Township of Goulbourn, the Township of Rideau, and the Township of West Carleton for a period not exceeding five years from the 1st day of January, 1974.*

The effect of the re-enactment is to repeal the present clause a as spent; minor consequential amendments to the present clauses b and c (now to appear as clauses a and b) are indicated by the underlining of the words to be deleted.

SECTION 6. The effect of the re-enactment is to increase from \$10,400 to \$10,650 the equalized assessment per capita of a municipality as the basis of qualification for a resource equalization grant.

SECTION 7. Subsection 3 of section 10 as it presently reads, showing underlined the words to be deleted, is set out below; applying as it does to the year 1975 only, the provision is spent.

- (3) *In each year, the clerk of every lower tier municipality that received a resource equalization grant in the preceding year shall provide, on or before the 1st day of April, to the upper tier municipality, a statement of the amount of the resource equalization grant in respect of the preceding year and the amount to be added to the equalized assessment of the municipality under subsection 1, provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant*

SECTION 8. Subsection 2 of section 11 as it presently reads, showing underlined the words to be deleted, is set out below:

- (2) *For the purposes of subsection 1, the portion shall be the ratio of taxes levied on commercial assessment in the preceding year for the upper tier municipality to the total taxes levied on commercial assessment in the preceding year for all purposes, other than school purposes, provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes.*

The provision applies to the year 1975 only and accordingly is spent.

SECTION 9. The subsection to be repealed reads as follows:

- (2) *In the case of the County of Oxford, a preliminary apportionment may be made in 1975 notwithstanding section 10 and an adjustment to that apportionment shall be made when the amount of the 1975 resource equalization grant entitlement for all area municipalities in the County is determined.*

It is repealed as applying to the year 1975 only, and accordingly is spent.

SECTION 10. Section 14 reads as follows:

- 14.—(1) *In the case of the County of Oxford, in 1975, and for the purposes of section 10, the equalized assessment of a lower tier municipality shall for apportionment purposes, other than for school purposes or apportionment between merged areas, be increased by an amount that would have produced the amount of the resource equalization grant entitlement in 1975 by the taxation of real property at the mill rate determined by dividing the total estimated taxes levied by the lower tier municipality in 1975 for all purposes other than school purposes on commercial assessment for 1975 by the total equalized commercial assessment for 1975, times 1,000.*
- (2) *In determining the taxes levied on commercial assessment under subsection 1, there shall be excluded the taxes added to the collector's roll under section 43 of The Assessment Act and the assessment on which such taxes are based.*

Applying to the year 1975 only, it is repealed as spent.

7. Subsection 3 of section 10 of the said Act is amended by striking out "provided that in 1975, lower tier municipalities in the County of Oxford shall use the estimated 1975 resource equalization grant" in the seventh, eighth, ninth and tenth lines. s. 10 (3),
amended
8. Subsection 2 of section 11 of the said Act is amended by striking out "provided that for the County of Oxford in 1975, the ratio shall be determined using the estimated current year taxes" in the fifth, sixth and seventh lines. s. 11 (2),
amended
9. Subsection 2 of section 13 of the said Act is repealed. s. 13 (2),
repealed
10. Section 14 of the said Act is repealed. s. 14,
repealed
11. Sections 16 and 17 of the said Act are repealed and the following substituted therefor: ss. 16, 17,
re-enacted
16. In each year there shall be paid a special support grant of 18 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario. Special
support
grant
17. In each year there shall be paid to the Township of Chisholm, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 9 per cent, or such other percentage as may be prescribed, of the net levy of such municipality. Idem
- 12.—(1) Schedule 2 to the said Act is repealed and the following substituted therefor: Sched. 2,
re-enacted

SCHEDULE 2

POPULATION RANGE	RATE OF GRANT
0 - 5,000	\$7.00 × (Pop.)
5,001 - 10,000	\$ 35,000 + \$7.40 × (Pop. over 5,000)
10,001 - 15,000	\$ 72,000 + \$7.60 × (Pop. over 10,000)
15,001 - 20,000	\$ 110,000 + \$7.80 × (Pop. over 15,000)
20,001 - 25,000	\$ 149,000 + \$8.00 × (Pop. over 20,000)
25,001 - 50,000	\$ 189,000 + \$8.20 × (Pop. over 25,000)
50,001 - 75,000	\$ 394,000 + \$8.40 × (Pop. over 50,000)
75,001 - 100,000	\$ 604,000 + \$8.60 × (Pop. over 75,000)
100,001 - 200,000	\$ 819,000 + \$8.80 × (Pop. over 100,000)
200,001 or more	\$1,699,000 + \$9.00 × (Pop. over 200,000)

- (2) Schedule 3 to the said Act is repealed.

Sched. 3,
repealed

Commence-
ment

13. This Act shall be deemed to have come into force on the 1st day of January, 1977.

Short title

14. This Act may be cited as *The Ontario Unconditional Grants Amendment Act, 1977*.

SECTION 11. The sections being re-enacted as they presently read are set out below showing underlined the percentages applicable to a special support grant that will be increased to 18 per cent and 9 per cent respectively.

16. *In each year there shall be paid a special support grant of 15 per cent, or such other percentage as may be prescribed, of the net levy of each upper tier municipality and each lower tier municipality, to each such municipality that is situate in the northern part of Ontario.*

17. *In each year there shall be paid to the Township of Chisholm, the Improvement District of Cameron and any lower tier municipality situated in the Territorial District of Parry Sound, a special support grant of 7.5 per cent, or such other percentage as may be prescribed, of the net levy of such municipality.*

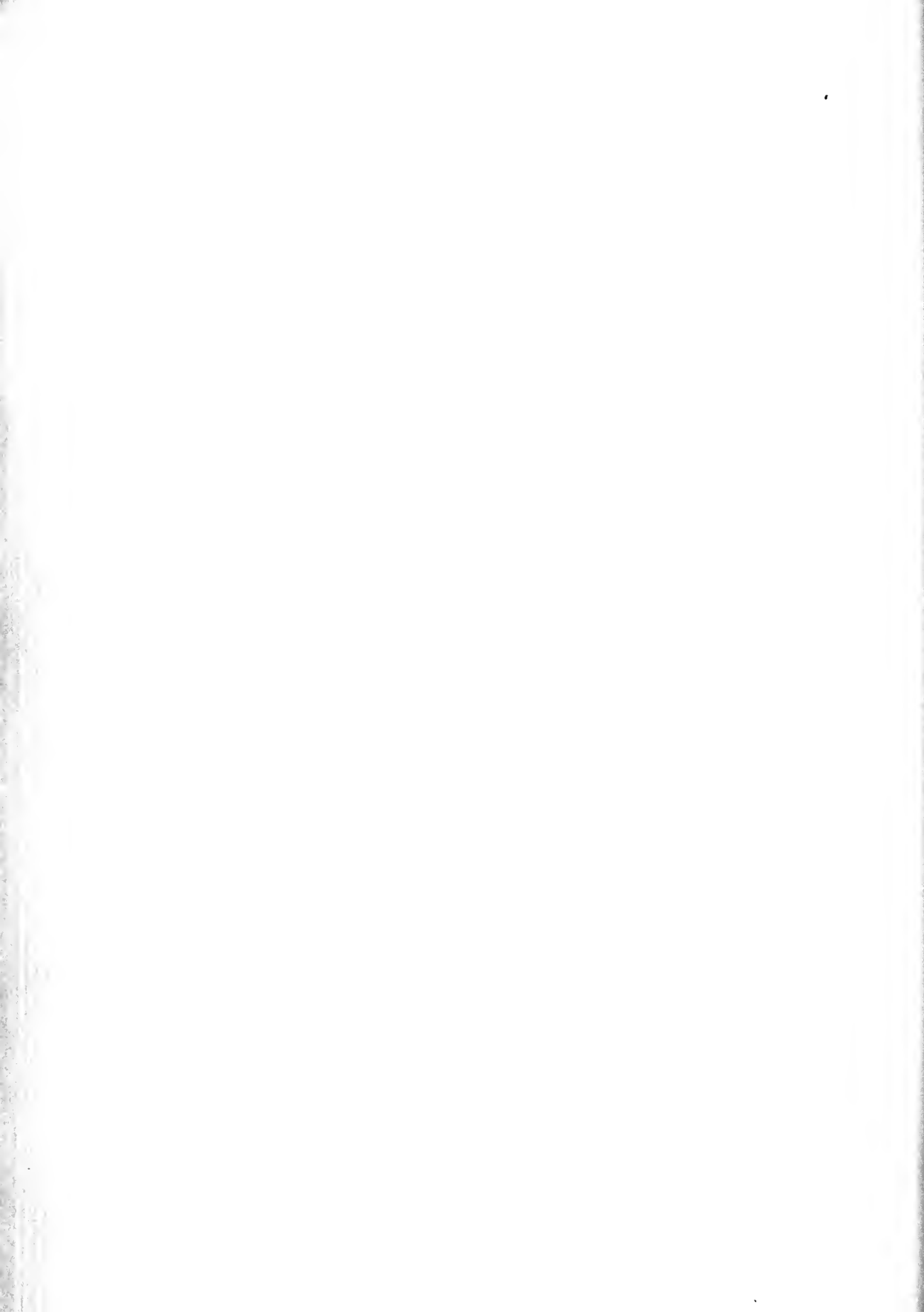
SECTION 12.—Subsection 1. Schedule 2 now reads as follows:

SCHEDULE 2

<i>Population Range</i>	<i>Rate of Grant</i>
0 — 5,000	$\$6.00 \times (\text{Pop.})$
5,001 — 10,000	$\$ 30,000 + \$6.40 \times (\text{Pop. over } 5,000)$
10,001 — 15,000	$\$ 62,000 + \$6.60 \times (\text{Pop. over } 10,000)$
15,001 — 20,000	$\$ 95,000 + \$6.80 \times (\text{Pop. over } 15,000)$
20,001 — 25,000	$\$ 129,000 + \$7.00 \times (\text{Pop. over } 20,000)$
25,001 — 50,000	$\$ 164,000 + \$7.20 \times (\text{Pop. over } 25,000)$
50,001 — 75,000	$\$ 344,000 + \$7.40 \times (\text{Pop. over } 50,000)$
75,001 — 100,000	$\$ 529,000 + \$7.60 \times (\text{Pop. over } 75,000)$
100,001 — 200,000	$\$ 719,000 + \$7.80 \times (\text{Pop. over } 100,000)$
200,001 or more	$\$ 1,499,000 + \$8.00 \times (\text{Pop. over } 200,000)$

The effect of the re-enactment is to increase the amount of grants paid to municipalities on the basis of population by an across-the-board amount of \$1 per capita.

Subsection 2. Complementary to section 3 of the Bill; the Schedule being repealed sets out certain named municipalities and the amount of grants payable to them in the years 1975 and 1976.





An Act to amend
The Ontario Unconditional Grants
Act, 1975

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Succession Duty Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

T O R O N T O

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EXPLANATORY NOTES

GENERAL

In accordance with the Treasurer's Budget, the amendments proposed in this Bill provide that the duty-free threshold for estates is raised from \$250,000 to \$300,000. As well, the additional rate will not apply to receipts by an individual of \$300,000 or less. The amendment provides that capital gains tax arising from the deemed disposition at death provisions of the *Income Tax Act* (Canada) may be fully credited against succession duty payable, rather than deducted from aggregate value as a debt of the estate, at the election of the executor. Provision is made for release of new classes of property without the consent of the Minister of Revenue.

SECTION 1.—Subsections 1 and 2. The repeal of clauses *bb* and *cc* of subsections 1 and 5 of section 7 of the Act result in increasing the minimum value of the dutiable estate passing to the preferred and the collateral beneficiaries from \$250,000 to \$300,000.

Subsection 3. The amendment serves to increase the deduction allowed in computing the aggregate value of an estate from \$250,000 to \$300,000.

Subsection 4. The amendment alters the notch provision contained in section 7 (8) (c) (i) to increase the value to be deducted from the aggregate value of the estate from \$250,000 to \$300,000.

SECTION 2. The amendment adds subsection 6a to section 10 of the Act and permits the classes of property that may be disposed of or transferred without the Minister's consent to be broadened by regulation.

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *bb* of subsection 1 of section 7 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed. s. 7 (1) (*bb*),
repealed
- (2) Clause *cc* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed. s. 7 (5) (*cc*),
repealed
- (3) Clause *b* of subsection 7 of the said section 7, as enacted by the Statutes of Ontario, 1975, chapter 14, section 1, is repealed and the following substituted therefor: s. 7 (7) (*b*),
re-enacted

(*b*) \$300,000.
- (4) Subclause *i* of clause *c* of subsection 8 of the said section 7, as amended by the Statutes of Ontario, 1975, chapter 14, section 1, is further amended by striking out "\$250,000" in the amendment of 1975 and inserting in lieu thereof "\$300,000". s. 7 (8) (*c*) (1),
amended
2. Section 10 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 20, section 4, is further amended by adding thereto the following subsection: s. 10,
amended

(6a) Notwithstanding subsection 1, where any class of property prescribed by the regulations passes to a class of persons prescribed by the regulations, any person may pay, deliver, assign or transfer or permit the payment, delivery, assignment or transfer of such property without the consent of the Minister. Where no
consent
necessary

s. 13 (2),
amended

- 3.—(1) Subsection 2 of section 13 of the said Act is amended by striking out “an affidavit” in the third line and inserting in lieu thereof “a return”.

s. 13 (3),
re-enacted

- (2) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

Dispensing
with
affidavit

- (3) Where a return purporting to be the return required by subsection 2 has been filed within the period mentioned in subsection 1, the Minister may, in writing, dispense with the filing of an affidavit by any of the persons to whom subsection 1 applies.

s. 17d,
enacted

4. The said Act is amended by adding thereto the following section:

Application

17d.—(1) Where,

- (a) duty is levied on the proportion of the property passing to a beneficiary and such duty is payable by him;

1970-71,
c. 63 (Can.)

- (b) subsections 5, 5.1 and 5.2 of section 70 of the *Income Tax Act* (Canada) are applicable in respect of a deceased; and

- (c) the executor so elects,

the provisions of this section apply.

Rules that
apply where
election made
under subs. 1

- (2) Where an executor has made a valid election under subsection 1 in the form and manner and at the times prescribed by the regulations, in computing the duty payable by a beneficiary under this Act, the following rules shall apply:

1. Allowance shall not be made under subsection 6 of section 3 for the amount of any tax paid or payable under subsections 5, 5.1 and 5.2 of section 70 of the *Income Tax Act* (Canada).

2. The amount of duty payable by each beneficiary under this Act shall be reduced by the lesser of,

- (a) that portion of the amount of tax paid or payable under the *Income Tax Act* (Canada) in respect of any dispositions on death deemed by subsections 5, 5.1 and 5.2 of section 70 of that Act that the portion of the elected aggregate value passing to the beneficiary bears to elected aggregate value; and

SECTION 3. This amendment will enable the current Affidavit of Value and Relationship to be replaced by a simplified return of the estate.

SECTION 4. The amendment enacts a new section to permit the executors of an estate to elect to have taxes payable under the *Income Tax Act* (Canada) in respect of certain deemed disposition on death treated as a credit against succession duty payable by each beneficiary. Taxes payable in respect of deemed dispositions under the *Income Tax Act* (Canada) will be disallowed as a debt of the estate in calculating the aggregate value. The amount of such taxes will be allocated as a credit against any succession duty payable by each beneficiary in proportion to that beneficiary's share of the estate to the extent of that beneficiary's liability for succession duty. Where the deceased dies domiciled outside Ontario, there may be credited only that portion of such taxes that dutiable value bears to the total value of the estate and only to the extent of that beneficiary's liability for succession duty.

SECTION 5.—Subsection 1. This amendment adds to the regulation-making power of the Lieutenant Governor in Council those things prescribed by the Act to be done by regulation. The amendment will permit the property that may be transferred without the Minister's consent under subsection 6a of section 10 to be set out by regulation. In addition, provision is made for the form and manner of calculation to determine the credit against succession duty and the manner of election provided for in section 17d. The regulations, if they so provide, will have retroactive effect. The provisions of section 5 are subject to passage of sections 2 and 4 of this Bill.

Subsection 2. This amendment authorizes retroactive regulations to be made.

SECTION 6.—Subsection 1. Subsection 4 of section 50 of *The Registry Act* is amended to dispense with the Minister's consent for any discharge of mortgage.

Subsection 2. The new subsection 4a is added to section 50 to dispense with the Minister's consent for the registration of conveyances of property for which the Minister's consent is not required under *The Succession Duty Act*.

Subsection 3. The amendment to subsection 9 of section 50 is to up-date the requirement for the registration of consents by dispensing with the Minister's consents for registration of conveyances in respect of deaths occurring prior to January 1, 1950.

(b) the amount of duty otherwise payable by the beneficiary under this Act.

3. Where the deceased died domiciled outside Ontario, the amount of duty payable by each beneficiary under this Act shall be reduced by the lesser of,

(a) that proportion of the amount determined in clause *a* of paragraph 2 that the dutiable value of the proportion of the elected aggregate value passing to the beneficiary bears to elected aggregate value; and

(b) the amount of duty otherwise payable by the beneficiary under this Act.

(3) For the purposes of this section, elected aggregate value shall be computed in the manner prescribed by the regulations. How elected aggregate value computed

5.—(1) Section 44 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 20, section 8, is further amended by adding thereto the following clauses: s. 44, amended

(g) prescribing classes of property and classes of persons for the purposes of subsection 6*a* of section 10;

(h) prescribing the form and manner and the times at which an election under section 17*d* shall be made;

(i) prescribing the terms and conditions and providing for the method of the calculations for the purposes of section 17*d*.

(2) The said section 44 is further amended by adding thereto the following subsection: s. 44, amended

(2) A regulation, if it so provides, is effective with reference to a period before it was filed. Regulation may be retroactive

6.—(1) Subsection 4 of section 50 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, is amended by striking out "discharge of mortgage" in the third and fourth lines. R.S.O. 1970, c. 409, s. 50 (4), amended

(2) The said section 50, as amended by the Statutes of Ontario, 1972, chapter 133, section 20, is further amended by adding thereto the following subsection: s. 50, amended

(4*a*) Notwithstanding subsection 4, the consent of the Minister of Revenue is not required to be attached to or Where consent of Minister not required

R.S.O. 1970,
c. 449

endorsed on any deed, grant, conveyance, mortgage, assignment of mortgage or other instrument purporting to convey, transfer or assign any property which may, under *The Succession Duty Act* and the regulations made thereunder, be conveyed, transferred or assigned without the consent of the Minister of Revenue in respect of property passing on deaths occurring on or after the date at which such consents are not so required under *The Succession Duty Act* and the regulations made thereunder.

s. 50 (9),
re-enacted

(3) Subsection 9 of the said section 50 is repealed and the following substituted therefor:

Application
of subss. 4-7

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1950.

R.S.O. 1970,
c. 234,
s. 140 (1),
amended

7.—(1) Subsection 1 of section 140 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is amended by striking out “and, in the case of the death of the registered owner of a charge where no such entry is being applied for but a cessation of the charge is tendered for registration, such cessation shall not be registered until the above consent is attached thereto or endorsed thereon” in the tenth, eleventh, twelfth, thirteenth and fourteenth lines.

s. 140,
amended

(2) The said section 140 is amended by adding thereto the following subsection:

Where
consent of
Minister not
required

(1a) Notwithstanding subsection 1, the consent of the Minister of Revenue is not required to be attached to or endorsed on the application for transmission of interest or application for entry in respect of any land, charge or interest which may, under *The Succession Duty Act* and the regulations made thereunder, be conveyed, transferred or assigned without the consent of the Minister of Revenue in respect of property passing on deaths occurring on or after the date at which such consents are not so required under *The Succession Duty Act* and the regulations made thereunder.

s. 140 (2),
re-enacted

(3) Subsection 2 of the said section 140 is repealed and the following substituted therefor:

Saving

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1950.

SECTION 7.—Subsections 1, 2 and 3. Section 140 of *The Land Titles Act* is amended to parallel the amendments to *The Registry Act* made by section 6 of the Bill.

8. This Act shall be deemed to have come into force on the 20th ^{Commence-}
day of April, 1977. ^{ment}
9. This Act may be cited as *The Succession Duty Amendment Act*, ^{Short title}
1977.

BILL 42

An Act to amend
The Succession Duty Act

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to authorize the Raising of Money on the Credit
of the Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTE

The Bill provides authority for the borrowing of moneys not otherwise authorized by any other Act.

The principal borrowings authorized under *The Ontario Loan Act* in recent years have been.

1. Borrowings from the Canada Pension Plan.
2. The Ontario Treasury Bill program.
3. CMHC Waste Control Loans.
4. Federal-Provincial-Municipal Loan programs.

The authorization in the Bill to raise by way of loan up to \$1 billion is intended to cover the following estimated borrowing requirements:

1. Canada Pension Plan borrowings through to June, 1978.
2. Repayment of Ontario debt maturities.
3. Interim financing, as necessary.

BILL 43

1977

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,000,000,000. Loans up to \$1,000,000,000 R.S.O. 1970, c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Loan Act, 1977*. Short title

An Act to authorize the Raising of Money
on the Credit of the Consolidated Revenue
Fund

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting the
Registration of Venture Investment Corporations**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTE

The purpose of this Bill is to provide a means of mobilizing new sources of risk capital and managerial assistance for small businesses. Ancillary amendments to *The Corporations Tax Act, 1972* will be introduced later this year.

For taxation purposes, a corporate investor investing in a registered venture investment corporation will be permitted to deduct 250 per cent of the investment from its taxable income. This deduction may be carried forward indefinitely against future income. Upon disposition of the shares in the venture investment corporation on transfer or redemption of such shares or on revocation of registration of the venture investment corporation, 250 per cent of the proceeds of disposition will be included in the investor's income for that year. Proceeds in excess of the original investment will be taxed in the hands of the recipient as capital gains. Capital losses will not be allowed since the deferred taxes on the loss portion of the investment will not be recovered. Venture investment corporations will be subject, in the usual manner, to income and capital taxes.

The major provisions of the Bill are as follows:

1. A system of registration for venture investment corporations is established under the Ministry of Consumer and Commercial Relations.
2. A corporation incorporated under *The Business Corporations Act* may be registered as a venture investment corporation by filing a proposal containing prescribed information. A corporation is entitled to registration unless it fails to comply with the provisions of the Bill.
3. Where a corporation is refused registration or registration is proposed to be revoked, the corporation has the right of appeal to the Ontario Securities Commission.
4. A corporation may be registered as a venture investment corporation only if,
 - (a) the corporation has never previously carried on business;
 - (b) a majority of the directors are resident Canadians;
 - (c) the corporation has objects only to assist in the development of small businesses by,
 - (i) providing capital through the acquisition and holding of shares and notes, bonds, debentures or similar applications, and
 - (ii) providing business and managerial expertise to small businesses;
 - (d) the corporation has issued and outstanding capital of the value of \$250,000 or more; and
 - (e) the corporate name includes the words "venture investment corporation".

5. A venture investment corporation is required to maintain a requisite level of issued and outstanding capital. At the end of the fourth year of its registration and thereafter, a venture investment corporation must maintain at least \$750,000 of issued and outstanding capital.
6. Prior to the end of its first fiscal year, a venture investment corporation must have invested and at all times maintain 60 per cent or more of its capital in "eligible investments". Prior to the end of its second fiscal year and thereafter, such a corporation must have invested and at all times maintain 80 per cent or more of its capital in "eligible investments".
7. An "eligible investment" is one in which all of the following criteria are met:
 - (a) the investment must be in a small business that meets the prescribed limits of number of employees and amount of assets and profits;
 - (b) 90 per cent or more of its assets are situate in Ontario and 90 per cent or more of its wages and salaries are paid to residents of Ontario;
 - (c) the investment must not be used by the small business for the purpose of relending, investment in land, or reinvestment outside Canada;
 - (d) the venture investment corporation must not hold more than 40 per cent of the equity shares of the small business; and
 - (e) the small business must meet Canadian control requirements.
8. A small business is not Canadian controlled if the total number of equity shares owned by non-residents exceeds 25 per cent of the total number of issued and outstanding equity shares or if any single non-resident owns 10 per cent or more of the total number of issued and outstanding equity shares.
9. Once a small business ceases to be an eligible investment by reason of moving outside of the small business criteria or failing to meet the Canadian control test, the investment will be considered to remain eligible for a period of two years.
10. All investments made by a venture investment corporation must be at arm's-length of its shareholders, officers and directors. Provision is made to ensure that the venture investment corporation will not be able to invest in a subsidiary, affiliate, related person or holding corporation of itself or of any investor in the venture investment corporation or of any officer or director of the venture investment corporation.
11. In lending money to a small business, a venture investment corporation may not require the personal guarantee of or security from any individual.
12. A venture investment corporation is not permitted to offer its securities to the public.
13. Every venture investment corporation, notwithstanding that it may otherwise be exempt under the provisions of *The Business*

Corporations Act, is required to appoint an auditor and to keep the financial statements required by *The Business Corporations Act*.

14. Financial statements of a venture investment corporation are required to be kept on a corporate fiscal year basis. These financial statements must be filed with the Minister.
15. A venture investment corporation is required to keep a record of all amounts of money or other consideration received from any small business, including the amount, if any, received by the venture investment corporation as fees for providing business and management counselling.
16. A venture investment corporation is required to supply the Minister with particulars of any purchase and sale of securities.
17. The Minister is given authority to examine the books and records of a venture investment corporation.
18. The Bill contains a prohibition against disclosure of any information obtained from a venture investment corporation.

BILL 44

1977

An Act respecting the Registration of Venture Investment Corporations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "articles of incorporation" or "articles" means the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which a corporation is incorporated, and includes any amendments thereto;
- (b) "associate", where used to indicate a relationship with any person, means,
 - (i) any body corporate of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the body corporate for the time being,
 - (ii) any partner of that person acting by or for the partnership of which they are both partners,
 - (iii) any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity,
 - (iv) any spouse, parent, son or daughter, brother or sister of that person, or
 - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;

R.S.O. 1970,
c. 53

- (c) "body corporate" means any body corporate whether or not it is a corporation to which *The Business Corporations Act* applies;
- (d) "certified copy" means,
 - (i) in relation to a document of a body corporate, a copy of the document certified to be a true copy under the seal of the body corporate and signed by an officer thereof,
 - (ii) in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
 - (iii) in relation to a document in the custody of the Ministry, a copy of the document certified to be a true copy under the seal of the Minister and signed by the Minister or by such officer of the Ministry as is designated by the regulations;
- (e) "corporation" means a body corporate with share capital to which *The Business Corporations Act* applies;
- (f) "debt obligation" means a bond, debenture, note or other similar obligation of a body corporate, whether secured or unsecured;
- (g) "director" means a member of the board of directors of a body corporate or any other individual who performs functions for the body corporate similar to those normally performed by an individual occupying the position of director;
- (h) "eligible investment" means an investment in a small business that complies with section 10;
- (i) "equity share" means any share of any class of shares of a body corporate carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (j) "investment" means the purchase or acquisition from a small business by a venture investment corporation of the securities issued by that small business;

- (k) "land" includes land and any estate, right or interest therein, a leasehold interest or estate, the interest of an optionee, the interest of a purchaser under an agreement to sell land, or goodwill attributable to the location of land or to the existence thereon of any building or fixture, and fixtures;
- (l) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (m) "Ministry" means the Ministry of the Minister;
- (n) "officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manager, or any other person designated an officer by by-law or resolution of the directors or any other individual who performs functions for the body corporate similar to those normally performed by an individual occupying any such office;
- (o) "prescribed" means prescribed by the regulations;
- (p) "register" means the register under this Act;
- (q) "regulations" means the regulations made under this Act;
- (r) "related person", where used to indicate a relationship with any person, means,
 - (i) any spouse, parent, son or daughter, brother or sister of that person,
 - (ii) any relative of such person or of his spouse, other than a relative referred to in subclause i, who has the same home as such person, or
 - (iii) any body corporate of which such person and any of the persons referred to in subclause i or ii or the partner or employer of such person, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding;

- (s) "resident Canadian" means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada;
- (t) "security" means any share of any class of shares or any debt obligation of a body corporate;
- (u) "small business" means a body corporate having the number of employees and the amount of assets and profits that fall within the prescribed limits;
- (v) "Tribunal" means the Ontario Securities Commission;
- (w) "venture investment corporation" means a corporation registered under this Act.

Interpre-
tation:
subsidiary
body
corporate

(2) For the purposes of this Act, a body corporate shall be deemed to be a subsidiary of another body corporate if, but only if,

(a) it is controlled by,

(i) that other,

(ii) that other and one or more bodies corporate each of which is controlled by that other, or

(iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary of a body corporate that is that other's subsidiary.

holding
body
corporate

(3) For the purposes of this Act, a body corporate shall be deemed to be another's holding body corporate if, but only if, that other is its subsidiary.

affiliated
body
corporate

(4) For the purposes of this Act, one body corporate shall be deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person.

Control

(5) Unless otherwise prescribed, a body corporate shall be deemed to be controlled by another person or by two or more bodies corporate if, but only if,

- (a) shares of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate; and
- (b) the votes carried by such shares are sufficient if exercised to elect a majority of the board of directors of the first-mentioned body corporate.

(6) In calculating the total number of equity shares of a body corporate beneficially owned or controlled, for the purposes of this Act, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

Calculation
of total
number of
equity
shares

(7) In determining the number of shareholders of a body corporate, for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one shareholder.

Number of
shareholders

(8) For the purpose of determining whether or not a body corporate is a small business, there shall be taken into account the number of employees and the amount of assets and profits of any affiliate of such body corporate.

Deter-
mination
of small
business

2.—(1) Where all the shares of a corporation are with par value, its issued and outstanding capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of such issued and outstanding shares of each class multiplied by the par value thereof less such decreases in the issued and outstanding capital as from time to time have been effected by the corporation in accordance with *The Business Corporations Act*.

Issued
capital:
par value
shares

R.S.O. 1970,
c. 53

(2) Where the shares of a corporation are without par value or where part of its shares are with par value and part are without par value, its issued and outstanding capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of issued and outstanding shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the cor-

no par
value
shares

R.S.O. 1970,
c. 53

poration may be transferred thereto and less such decreases in the issued and outstanding capital as from time to time have been effected by the corporation in accordance with *The Business Corporations Act*.

REGISTER

Register

3.—(1) The Minister shall maintain a register of venture investment corporations in which he shall list all corporations registered under this Act.

Delegation
by Minister

(2) The Minister may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry.

REGISTRATION

Registration

4.—(1) A corporation may apply to be registered under this Act by delivering to the Minister a proposal in duplicate.

Contents of
proposal

(2) A proposal shall set out:

1. The name of the corporation.
2. The location of the head office of the corporation in Ontario, including the street and number, if any.
3. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares in each class, and the par value of each share, or, where the shares are without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all other shares of each class may not be issued.
4. The issued capital of each class of shares, including the aggregate consideration therefor.
5. The amounts and kinds of debt obligations, if any, issued by the corporation.
6. The number of directors of the corporation and the names in full and the residence addresses of each, giving the street and number, if any.
7. The names in full of the officers of the corporation and the residence addresses of each, giving the street and number, if any.
8. Any other matter prescribed to be set out in the proposal.

(3) A proposal shall be accompanied by a certified copy of the corporation's articles of incorporation. ^{Articles of incorporation}

(4) The proposal shall be executed under the seal of the corporation and signed by two officers or one director and one officer of the corporation and certified by affidavit of one of the officers or directors signing the proposal. ^{Execution of proposal}

5.—(1) No corporation shall be registered under this Act unless, ^{Conditions of registration}

(a) the corporation has never previously carried on business;

(b) a majority of the directors on the board of directors are resident Canadians;

(c) the corporation has objects only to assist in the development of small businesses by,

(i) providing capital through the acquisition and holding of shares and notes, bonds, debentures or similar obligations, and

(ii) providing business and managerial expertise to small businesses;

(d) the corporation has issued and outstanding capital of a value of \$250,000 or more; and

(e) the corporate name includes the words "venture investment corporation".

(2) A venture investment corporation shall at all times comply with the provisions of clauses *b*, *c* and *e* of subsection 1. ^{Continuing conditions}

(3) No corporation, association, partnership or individual not being a corporation registered under this Act shall use in Ontario, without the consent of the Minister, a name that includes the words "venture investment corporation" or any abbreviation or derivation thereof, whether or not the word, abbreviation or derivation is used in or in connection with the name. ^{Use of "venture investment corporation"}

6.—(1) Subject to subsection 4, a corporation is entitled to registration by the Minister except where, ^{Registration}

(a) the applicant fails to comply with section 4 or 5, as the case may be; or

- (b) the applicant fails to file the material required by this Act or the regulations.

Refusal to register

- (2) Subject to section 8, the Minister may refuse to register a corporation where in the Minister's opinion the applicant is disentitled to registration under subsection 1 of this section.

Revocation of registration

- (3) Subject to section 8, the Minister may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations.

Minister may suspend further registrations

- (4) Where the Minister is of the opinion that the number of corporations registered under this Act is sufficient to meet the objectives of this Act or where he is of the opinion that it is in the public interest to do so, the Minister may, subject to the approval of the Lieutenant Governor in Council, by order, suspend the further registration of corporations under this Act for such period of time as is specified in the order.

Registration

7. If a corporation complies with sections 4 and 5, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the proposal the word "Registered" and the day, month and year of the registration thereof;
- (b) file one of the duplicates in his office;
- (c) place the name of the corporation in the register of venture investment corporations; and
- (d) issue to the registrants a certificate of registration to which he shall affix the other duplicate.

Notice of proposal to refuse or revoke

- 8.—(1) Where the Minister proposes to refuse to grant or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

- (2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Minister and the Tribunal, and he may so require such a hearing.

Powers of Minister where no hearing

- (3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2,

the Minister may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Minister at the hearing, may by order direct the Minister to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Minister. ^{Powers of Tribunal where hearing}

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act. ^{Conditions of order}

(6) The Minister, the applicant or the registrant who has required the hearing and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal under this section. ^{Parties}

(7) Notwithstanding subsection 1, the Minister may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering its registration. ^{Voluntary cancellation}

(8) Notwithstanding that an applicant or registrant appeals from an order of the Tribunal, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. ^{Order effective, stay}

9.—(1) In each fiscal year, a venture investment corporation shall maintain issued and outstanding capital of a value that is not less than the requisite issued and outstanding capital. ^{Requisite value of capital}

(2) For the purposes of subsection 1, the requisite issued and outstanding capital of a venture investment corporation is, ^{Idem}

- (a) \$250,000 or more during its first fiscal year;
- (b) \$350,000 or more prior to the end of its second fiscal year;
- (c) \$500,000 or more prior to the end of its third fiscal year;

(d) \$750,000 or more prior to the end of its fourth fiscal year;

(e) \$750,000 or more during each subsequent fiscal year.

Minimum
percentage
of eligible
investments

(3) Prior to the end of its first fiscal year, a venture investment corporation shall have invested at least 60 per cent of its requisite issued and outstanding capital in eligible investments.

Idem

(4) Prior to the end of its second fiscal year, a venture investment corporation shall have invested at least 80 per cent of its requisite issued and outstanding capital in eligible investments.

Idem

(5) Prior to the end of its third fiscal year, a venture investment corporation shall have invested an average of at least 80 per cent, calculated on the last day of each month of its fiscal year, of its requisite issued and outstanding capital in eligible investments.

Idem

(6) After the end of its third fiscal year, a venture investment corporation shall at all times maintain an average of at least 80 per cent, calculated on the last day of each month of the immediately preceding twelve months, of its requisite issued and outstanding capital in eligible investments.

Idem

(7) If at any time a venture investment corporation has issued and outstanding capital in excess of the requisite capital provided for in subsection 2, such venture investment corporation shall maintain at least 80 per cent of such excess in eligible investments.

Fiscal year

(8) A venture investment corporation shall have a fiscal year that commences upon the date of its registration under this Act and ends upon the anniversary of the date of its registration.

ELIGIBLE INVESTMENTS

Eligible
investments

10.—(1) An investment shall be an eligible investment if, but only if,

(a) the investment is made in a small business in which 90 per cent or more of its,

(i) assets are situate in Ontario, and

- (ii) wages and salaries are paid to residents of Ontario;
 - (b) the investment is not used by the small business for the purpose of,
 - (i) relending,
 - (ii) investment in land except such land as is incidental and ancillary to the principal objects of the small business, or
 - (iii) reinvestment outside Canada;
 - (c) the number of equity shares taken by the venture investment corporation in the small business, or any affiliated body corporate of such small business, in which the venture investment corporation invests does not at any time exceed 40 per cent, determined in the manner prescribed by subsection 2, of all issued and outstanding equity shares of such small business;
 - (d) the investment is made in a small business in which,
 - (i) the total number of equity shares of the body corporate beneficially owned, directly or indirectly, by non-residents over which non-residents exercise control or direction does not exceed 25 per cent of the total number of issued and outstanding equity shares of the body corporate, or
 - (ii) the total number of equity shares of the body corporate beneficially owned, directly or indirectly, by a non-resident or over which he exercises his control or discretion, together with other shareholders associated with him, if any, does not exceed 10 per cent of the total number of issued and outstanding equity shares of the body corporate; and
 - (e) the small business or investment is not of the type prescribed by the regulations.
- (2) In determining the percentage of issued and outstanding equity shares of a small business for the purposes of clause c of subsection 1, there shall be included, Manner of determining percentage of equity shares
- (a) the number of equity shares into which any debt obligation of such small business may be converted;

- (b) any option or right to purchase equity shares of such small business; and
- (c) any equity shares, convertible debt obligations and any options or rights of such small business beneficially owned or held by an associate of the venture investment corporation, any shareholder of it, or an associate or affiliated body corporate of either of them.

Investments **11.—**(1) A venture investment corporation shall maintain its assets in,

- (a) eligible investments;
- (b) liquid reserves;
- (c) securities that were eligible investments at the time they were acquired by such venture investment corporation; or
- (d) such other form as may be prescribed.

Organization, etc., expenses (2) The Minister may prescribe the kinds of expenses that a venture investment corporation may claim in the organization, promotion and operation of its business and affairs and may impose limits thereon.

Liquid reserves (3) Assets of the corporation maintained in liquid reserves shall be deposited from time to time in any chartered bank to which the *Bank Act* (Canada) applies, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or with the Province of Ontario Savings Office or in such other investments as may be prescribed, upon such terms and conditions and for such period as the corporation considers expedient.

Interpretation **12.—**(1) In this section and in clause *d* of subsection 1 of section 10,

- (a) "body corporate" includes an association, partnership or other organization;
- (b) "non-resident" means,
 - (i) an individual who is not a resident Canadian,
 - (ii) a body corporate incorporated, formed or otherwise organized elsewhere than in Canada,

- (iii) a body corporate that is controlled directly or indirectly by non-residents as defined in subclause i or ii,
 - (iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or
 - (v) a body corporate that is controlled directly or indirectly by a trust mentioned in subclause iv;
- (c) "resident" means an individual, body corporate or trust that is not a non-resident.

(2) For the purpose of clause *d* of subsection 1 of section 10, ^{Idem} a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a body corporate of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a body corporate that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are bodies corporate and one shareholder is controlled directly or indirectly by the same individual or body corporate that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a body corporate; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

13.—(1) A venture investment corporation shall not ^{Prohibited investments} invest or maintain an investment in a small business if,

- (a) any of the shares of such small business are held by,
 - (i) a major shareholder or an associate thereof of the venture investment corporation,

(ii) an officer or director or an associate thereof of a venture investment corporation or an officer or director or an associate thereof of a major shareholder of the venture investment corporation, or

(iii) a voting trust where the trust relates to the shares of the venture investment corporation;
or

(b) such small business is a subsidiary, a holding body corporate or affiliated body corporate of the venture investment corporation.

**Interpre-
tation**

(2) In this section, a "major shareholder" means a person who holds 10 per cent or more of the voting rights attached to all equity shares of the venture investment corporation for the time being outstanding.

**Restriction
on security**

14. In making an eligible investment, no venture investment corporation shall, at any time, require or accept, either directly or indirectly, the personal guarantee of any person or the giving of a charge, mortgage, hypothec, pledge or like secured interest in the assets of any individual.

**Restriction
on
investment**

15.—(1) Except where a venture investment corporation is widely held, it shall not invest in a small business if the proceeds of that investment are used or are intended to be used, in whole or in part, to finance the purchase or sale of goods or services provided to such small business through any shareholder of the venture investment corporation or any associate or affiliated body corporate of such shareholder.

**Interpre-
tation**

(2) For the purposes of subsection 1, a widely held venture investment corporation is one having five or more shareholders, each holding not more than 20 per cent of the issued and outstanding equity shares of that corporation.

**Material
change**

16.—(1) In this section, a material change occurs if, but only if, the investment of a venture investment corporation ceases to be,

(a) a small business; or

(b) an eligible investment.

Notification

(2) A venture investment corporation shall notify, in the prescribed form, the Minister of any material change in any of its investments within thirty days of the occurrence thereof.

(3) Where there is a material change, the investment by a ^{Eligible investment} venture investment corporation shall remain an eligible investment, notwithstanding any other provision of this Act, for a period of two years from the date of the material change.

17.—(1) No securities and no option or right to acquire securities of a small business or of a body corporate that has ceased to be a small business or an eligible investment shall be transferred or granted by a venture investment corporation without first granting to the holders of the equity shares of such small business or body corporate the right to acquire the whole or any part of such securities, option or right upon the same terms and conditions. ^{Restriction on transfer, etc., of securities}

(2) Only a holder of equity shares that is not a venture ^{Proviso} investment corporation may exercise the right to acquire securities, options or rights under subsection 1.

18. Where the Minister is of the opinion that the venture ^{Avoidance of taxes} investment corporation or its security holders are conducting their business and affairs primarily so as to avoid payment of taxes, in a manner that is contrary to the spirit and intent of this Act, the Minister may, subject to section 8, revoke the registration of the venture investment corporation.

19. No corporation registered under this Act shall offer ^{No public offering} its securities to the public unless such offering is exempt from the registration and prospectus requirements of *The* ^{R.S.O. 1970, c. 426} *Securities Act*.

20. Notwithstanding the provisions of section 167 of ^{Application of} *The Business Corporations Act*, every venture investment ^{R.S.O. 1970, c. 53} corporation shall comply with the provisions of sections 168 and 169, subsections 1 to 4 of section 170 and section 171 and clause *c* of subsection 1 and subsection 3 of section 172 of that Act in each year.

21. Within ninety days of the date to which it is made ^{Filing of financial statements} up, a venture investment corporation shall file with the Minister its financial statements and the auditor's report thereon.

INFORMATION

22.—(1) Within ninety days after each anniversary of the ^{Returns} date of its registration, every venture investment corporation shall make out, verify and file with the Minister, a return in the prescribed form setting out, as of its anniversary date, the information required by such return.

Change in
authorized
capital

(2) Where shares of a class are donated to, redeemed, purchased, accepted or surrendered or converted by a venture investment corporation, the venture investment corporation shall, within thirty days of the date in which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected.

Enlargement
of time by
Minister

(3) The Minister may, in his discretion, enlarge the time for filing any notice or return under this section.

Record
of moneys
received

23.—(1) A venture investment corporation shall at all times maintain a record of all amounts of money or any other consideration received from any small business and shall indicate in such record the purpose for which the money or other consideration was received.

Records to
be filed

(2) Within thirty days after each anniversary of the date of its registration, every venture investment corporation shall file with the Minister a copy of the records maintained under subsection 1.

Notice to
Minister

24.—(1) Within thirty days of acquiring or selling an eligible investment, a venture investment corporation shall notify the Minister in the prescribed form of such acquisition or sale.

Particulars
of eligible
investments

(2) The Minister shall maintain a file in respect of each venture investment corporation in which there shall be recorded particulars of all eligible investments held by the venture investment corporation.

Non-
disclosure of
information

(3) The Minister or any employee of the Ministry shall not disclose information contained in a file or return under this section, or section 20, except where the disclosure is necessary for the administration or enforcement of this Act or *The Corporations Tax Act, 1972*, or where the disclosure is required by a court or the Tribunal for the purposes of an action, prosecution or proceeding.

1972, c. 143

(4) Upon the request of either the venture investment corporation or the Minister of Revenue, where the information is required for the administration or enforcement of *The Corporations Tax Act, 1972*, the Minister may issue to such venture investment corporation or the Minister of Revenue, a certificate as to registration under this Act or as to particulars of eligible investments held by such venture investment corporation during the period of time specified in the certificate.

Certifications
of eligible
investments,
etc.

1972, c. 143

25.—(1) Where this Act requires or authorizes the Minister to issue a certificate or to certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the Minister.

Certificates
to be under
seal

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceedings as *prima facie* proof of the facts so certified without proof of the seal or the signature or the official position of the person appearing to have signed the certificate.

Certificates
to be
prima facie
proof

26.—(1) The Minister may at any time by notice require any venture investment corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act.

Information
required
by the
Minister

(2) The Minister or any employee of the Ministry shall not disclose information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act or *The Corporations Tax Act, 1972*, or where the disclosure is required by a court or the Tribunal for the purposes of an action, prosecution or proceeding.

Idem.
disclosure of

27. A venture investment corporation that enters into a management agreement shall file with the Minister a copy of the agreement, together with any amendments thereto, within thirty days after the making of the agreement or amendment.

Management
agreements

OFFENCES

28.—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false

Offence

or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000.

Exception (2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Offence **29.**—(1) Every person who, while employed in the administration of this Act, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act, or has allowed any such person to inspect or to have access to any written statement furnished under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Saving (2) Subsection 1 does not apply to the communication of information among the Ministry and the Ministry of Revenue and the Ministry of Treasury, Economics and Intergovernmental Affairs.

Inspection **30.** The Minister or any person designated by him in writing may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or any thing is done in connection with any business of a venture investment corporation or any books or records are or should be kept by the registrant pursuant to this Act and may make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of records are being complied with.

Powers on inspection **31.**—(1) Upon an inspection under section 30, the person inspecting,

- (a) is entitled to free access of all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the venture investment corporation being inspected;
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, providing that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as being of actual proof of the original.

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$20,000.

32. Every corporation that has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day of default.

33. The Minister may require any fact relevant to the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise.

34. The Lieutenant Governor in Council may make regulations,

- (a) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (b) designating officers of the Ministry who may sign certificates for the purposes of section 26;
- (c) prescribing the particulars that the Minister shall maintain in the register of venture investment corporations;
- (d) prescribing forms and providing for their use;
- (e) requiring any person to make information returns respecting any class of information required in assessing compliance with this Act;
- (f) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;

- (g) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (h) prescribing the manner in which any calculation under section 9 is to be made;
- (i) prescribing the manner and any conditions upon which a right of purchase may be exercised under section 17;
- (j) determining the method of calculation to be used in measuring the percentage of assets that a small business has situate in Ontario;
- (k) prescribing any matter required by this Act to be prescribed by the regulations.

Commence-
ment

35. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

36. This Act may be cited as *The Venture Investment Corporations Registration Act, 1977*.

An Act respecting the Registration of
Venture Investment Corporations

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Tobacco Tax Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

Pursuant to the announcement in the Treasurer's Budget, this Bill increases the rates of tax on tobacco products. For cigarettes, the rate is increased by 5 cents on a package of 20 cigarettes. The new rate of tax is 19.2 cents for 20 cigarettes. The rate of tax on cigars is, on the average, doubled. For higher priced cigars, the new tax rate will be 2 cents for every 5 cents of the retail price of the cigar. The rate of tax on other tobacco products, such as pipe tobacco and fine cut tobacco for rolling cigarettes, is approximately doubled and, to meet the approaching adoption by tobacco manufacturers of the metric system, is now to be based on grams of tobacco rather than ounces. The new tax rate for this class of tobacco is thirty-five one-hundredths of a cent on each gram of tobacco, which is roughly equivalent to 10 cents for each ounce.

In addition, a number of other changes are made to the Act to provide the same administrative procedures with respect to assessments, appeals and collection of tax as are contained in the Province's other major revenue statutes.

SECTION 1.—Subsection 1. Subsection 1 of section 2 of the Act now reads as follows:

(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed as follows:

- (a) seventy-one one-hundredths of 1 cent on every cigarette purchased by him;*
- (b) 2.5 cents for every one-half of one ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;*
- (c) 1 cent on every cigar purchased by him for a price at retail of not more than 7 cents;*
- (d) 2 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents;*
- (e) 3 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents;*
- (f) 4 cents on every cigar purchased by him for a price at retail of more than 15 cents but not more than 20 cents, and thereafter an additional 1 cent for each additional 5 cents that the price at retail exceeds 20 cents.*

The re-enacted subsection contains the new rates of tax proposed by the Treasurer's Budget.

Subsection 2. The subsection added provides that amounts that are paid in lieu of or on account of tax are to be dealt with, and may be collected, as though they were tax

An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Tobacco Tax Act*, being ^{s. 2 (1), re-enacted} chapter 463 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 16, section 1 and amended by the Statutes of Ontario, 1976, chapter 24, section 1, is repealed and the following substituted therefor:

(1) Every consumer shall pay to Her Majesty in right of ^{Tax on consumer} Ontario a tax computed as follows:

- (a) ninety-six one-hundredths of 1 cent on every cigarette purchased by him;
- (b) thirty-five one-hundredths of 1 cent on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;
- (c) 2 cents on every cigar purchased by him for a price at retail of not more than 7 cents;
- (d) 4 cents on every cigar purchased by him for a price at retail of more than 7 cents but not more than 10 cents; and
- (e) 6 cents on every cigar purchased by him for a price at retail of more than 10 cents but not more than 15 cents, and thereafter an additional 2 cents for each additional 5 cents that the price at retail of a cigar purchased by him exceeds 15 cents.

- (2) The said section 2 is amended by adding thereto the ^{s. 2, amended} following subsection:

Amounts in
lieu of tax

(4) Where any person selling tobacco receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act.

s. 6 (1),
re-enacted

2. Subsection 1 of section 6 of the said Act is repealed and the following substituted therefor:

Sales of
tobacco
under
R.S.O. 1970,
c. 52

(1) No wholesale dealer shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable under this Act by such wholesale dealer have been paid or that such person has entered into an arrangement satisfactory to the Minister for the payment of such taxes or for securing their payment.

s. 8 (2),
amended

- 3.—(1) Subsection 2 of section 8 of the said Act is amended by striking out “and it shall bear interest at the rate prescribed by the regulations from the day the amount was due until it is paid” in the eighth, ninth and tenth lines.

s. 8 (3) (a, b),
re-enacted

- (2) Clauses *a* and *b* of subsection 3 of the said section 8, as enacted by the Statutes of Ontario, 1976, chapter 24, section 2, are repealed and the following substituted therefor:

(a) \$700; or

(b) the aggregate of,

(i) 4 per cent of the tax collected by him in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$75 or more,

(ii) \$3 for each return with respect to tax collected by him in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$3 and is less than \$75, and

SECTION 2. Subsection 1 of section 6 of the Act now reads as follows:

- (1) *No wholesale dealer shall dispose of his stock through a sale in bulk as defined in The Bulk Sales Act without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable under this Act by such wholesale dealer have been paid.*

The subsection is enlarged to permit a bulk sale where the Minister issues a certificate that an arrangement has been entered into that secures the payment of tax.

SECTION 3.—Subsection 1. Subsection 2 of section 8 of the Act now reads as follows:

- (2) *If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and, subject to the Bankruptcy Act (Canada), has priority over all other claims of other persons, and it shall bear interest at the rate prescribed by the regulations from the day the amount was due until it is paid.*

The amendment removes the provisions relating to the payment of interest and fixing the rate thereof. Those provisions will now appear in the new section 8c.

Subsection 2. Subsection 3 of section 8 now reads as follows:

- (3) *For each twelve-month period commencing on the 1st day of April and not earlier than the 1st day of April, 1976, there may be paid to each wholesale dealer designated a collector under this Act or the regulations the lesser of,*
- (a) *\$500; or*
 - (b) *the aggregate of,*
 - (i) *3 per cent of the tax collected by him in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$67 or more,*
 - (ii) *\$2 for each return with respect to tax collected by him in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$2 and is less than \$67, and*
 - (iii) *the tax collected by him in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$2,*

as compensation for his services in collecting and remitting the tax imposed by this Act, and such collector may deduct such compensation from the amount otherwise to be remitted to the Treasurer in accordance with this Act and the regulations.

The amendments increase the compensation for a wholesale dealer who collects tax. The rate of compensation is increased from 3 to 4 per cent. The maximum compensation payable in any year is increased from \$500 to \$700.

SECTION 4. This amendment adds nine new sections to the Act.

The new section 8*a* provides, in subsections 1 and 2, for the making of returns to the Minister and for the verification of those returns. This provision is presently in the regulations under the Act. Subsection 3 provides for the payment of a penalty on assessment therefor for the late filing of a return. The penalty is 5 per cent of the tax covered by the return, but not less than \$10 and not more than \$500. Subsections 4 and 5 provide offences for the failure to file a return and for filing an incomplete return. The fine that may be imposed for such offence is \$200.

The new section 8*b* adds provisions enabling the Minister to assess the tax payable under the Act. These assessment provisions are similar to those in other revenue statutes, and will replace the limited provision for assessment now contained in the regulations under the Act.

The new section 8*c* deals, in subsection 1, with interest on unpaid taxes, in subsection 2 with the application of payments first to discharge interest, and in subsection 3, the Minister is enabled to relieve against full payment of interest in special circumstances.

The new section 8*d* provides a procedure, similar to other revenue statutes, to enable a person who has been assessed to object to the assessment, and requires the Minister to consider the objection and make a decision confirming or varying the assessment.

The new section 8*e* provides a procedure, similar to other revenue statutes, to enable a person assessed to appeal the assessment to the Supreme Court and to provide for the Minister to give a reply to bring the matter before the Court.

The new section 10*a* provides, as in other revenue statutes, for actions by the Minister to recover or collect tax and for the issue of a warrant of execution having the same force and effect as a writ of execution to collect unpaid taxes. Subsection 2 allows proof by affidavit of certain evidentiary matters. Subsection 3 ensures that the remedies for tax collection and recovery provided in the Act may be exercised independently so that the use of one remedy will not bar the use of others.

The new section 10*b* adds the garnishment procedures in other revenue statutes. Where a taxpayer who owes money to the Crown is, in turn, owed money by another person the new section provides a procedure by which the Minister can garnish the debt of that person to the taxpayer to discharge the taxpayer's obligation to the Crown.

The new section 11*a* provides a penalty to be imposed on a collector who fails to collect the tax that, as agent of the Minister, he is required to collect under the Act and the regulations.

The new section 11*b* provides that the officers of a corporation that commit an offence under the Act are guilty of that offence if they took part in authorizing the corporation to commit it.

- (iii) the tax collected by him in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$3,

4. The said Act is amended by adding thereto the following sections:

ss. 8a-8e,
10a, 10b,
11a, 11b,
enacted

8a.—(1) Every person designated a collector according to the regulations shall, without notice or demand, deliver to the Minister, at the time and in the manner prescribed by the regulations, a return of tax, that he, as agent of the Minister, is responsible to collect, and shall, at the time and in the manner prescribed by the regulations, remit such tax with his return.

Returns by
collector

(2) Every return shall be verified by a certificate of the person designated a collector according to the regulations and, if such person is not an individual, of any one of its officers or servants or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of such person and exhibit truly, correctly and completely all information for the period covered by the return.

Idem

(3) Every person designated a collector according to the regulations who files a return after the time prescribed by the regulations shall pay, when assessed therefor, a penalty of,

Penalty for
late filing

(a) \$10; or

(b) 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him,

whichever is the greater, but in no case shall such penalty be more than \$500.

(4) Every person designated a collector according to the regulations who fails to file a return as required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of \$200.

Offence

(5) Every person designated a collector according to the regulations who fails to complete the information required in the return to be delivered to the Minister under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$200.

Idem

Assessment

8b.—(1) The Minister may, at any time he considers reasonable, assess or reassess any tax that any person, as agent of the Minister, has collected and has failed to remit and any tax, interest or penalty, as the case may be, payable by him for which he has not accounted.

Assessment
on inspection

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any consumer or dealer that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collectable or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of tax that any person as agent of the Minister has collected and has failed to remit and the amount of the tax, interest or penalty, as the case may be, payable by him for which he has not accounted.

Notice of
Assessment

(3) Where the Minister has made an assessment under subsection 1 or 2, he shall deliver a notice of assessment by personal service or shall send such notice of assessment by mail or registered mail to the person so assessed at his last known address, or where the person has more than one address, one of which is in Ontario, to his address in Ontario, and the amount of the assessment shall, subject to subsection 4, be remitted to the Treasurer by the person so assessed within thirty days from the date of personal service or mailing of the notice of assessment.

Idem

(4) Where the Minister has made an assessment under subsection 1 or 2, the notice of assessment may provide that the amount assessed is payable forthwith.

Continuation
of liability
for tax

(5) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Minister
not bound
by returns

(6) The Minister is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding that any return or information has been delivered, assess the tax payable under this Act.

Assessment
valid and
binding

(7) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Idem

(8) The amount of any assessment is payable within the time required by the notice of assessment whether or not

an objection or appeal from the assessment is made or taken.

8c.—(1) Any amount that is payable or to be remitted to the Treasurer under this Act or the regulations, or that is payable as a penalty imposed under this Act otherwise than a penalty imposed as a result of a prosecution for an offence under this Act, bears interest at the rate prescribed by the regulations from the day on which the amount should have been paid or remitted to the day of payment. Unpaid taxes to bear interest

(2) Any payment to the Treasurer under this Act that is not a fine shall first be applied to any interest payable by the person making a payment or on whose account payment is made. Payment applied first to interest

(3) Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable by any person under this Act be paid, the Minister may exempt the person from any payment of the whole or any part of such interest. Exemption from payment of interest

8d.—(1) Where a person objects to an assessment made under section 8b, he may, within ninety days from the day of mailing or delivery by personal service of the notice of assessment, serve on the Minister a notice of objection in duplicate in the form prescribed by the regulations setting out the reasons for the objection and all relevant facts. Notice of objection

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. Service

(3) Upon receipt of a notice of objection, the Minister shall with all due dispatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the person who has made the objection of his action by registered mail. Reconsideration

8e.—(1) After the Minister has given the notification required by subsection 3 of section 8d, a person who has served notice of objection under section 8d may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 8d and an appeal under this section shall not be made to the Divisional Court. Appeal

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate Appeal, how instituted

in the form prescribed by the regulations and by filing a copy thereof with the Registrar of the Supreme Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of
notice of
appeal

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to
notice of
appeal

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due dispatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter
deemed
action

(6) Upon the filing of the material referred to in subsection 5, the matter shall be deemed to be an action in the court.

Disposition
of appeal

(7) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment.

Idem

(8) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

Procedure

(9) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure

relating to appeals, apply to every matter that is deemed to be an action under subsection 6, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

(10) No assessment shall be vacated or varied on appeal ^{Irregularities} by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.

(11) The time within which a notice of objection under subsection 1 of section 8*d* or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be. ^{Extension of time}

10*a*.—(1) Upon default of payment of an amount assessed ^{Recovery of tax} under section 8*b*,

- (*a*) the Minister may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and
- (*b*) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, ^{Compliance to be proved by affidavit}

be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Remedies
for recovery
of tax

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty in right of Ontario.

Garnishment

10b.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been



SECTION 5. The new subsection 2 makes it an offence for a person who is buying tobacco for resale, and is therefore not a consumer, to buy tobacco from anyone who is not a collector under the Act and charged with the enforcement of the collection of tax as agent of the Minister.

validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(6) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment
of wages
R.S.O. 1970,
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure
to remit

11a. Every dealer who has failed to collect tax that he is responsible to collect under this Act or the regulations shall pay a penalty, when assessed therefor, equal to not more than twice the amount of tax that he failed to collect.

Penalty for
failure to
collect

11b. Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Liability of
officers of
corporations

5. Section 13 of the said Act is amended by adding thereto the following subsection:

s. 13,
amended

(2) Every person who purchases tobacco for resale from any person who is not designated a collector according to the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax that would be exigible on the tobacco so purchased by him if such tobacco had been purchased by a consumer and not more than an amount equal to twice the amount of such tax so ascertained and is in addition liable to imprisonment for a term not exceeding six months.

Offence

ss. 15a, 15b,
enacted

6. The said Act is further amended by adding thereto the following sections:

Over-
payments

15a.—(1) Where a person has remitted to the Treasurer a greater amount of money for a period than was required by this Act to be remitted for that period, or a greater amount than was payable by the person, the Treasurer shall either refund the overpayment or, at the option of the Minister, apply the amount of the overpayment to liability of the person with respect to a previous or subsequent period, in which latter case the Minister shall notify the person of such action.

Idem

(2) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, unless the amount of interest so calculated is less than \$5 in which event no interest need be paid or applied under this subsection.

Idem

(3) Where by a decision of the Minister under section 8d or by a decision of the court it is finally determined that the tax payable under this Act by a person is less than the amount assessed by the assessment to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 2 on the overpayment shall be computed at the rate prescribed by the regulations.

Refunds

15b. Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax owing to the Treasurer, and the sections of this Act relating to the assessment (including objection and appeal therefrom) and collection of taxes apply *mutatis mutandis* to the said amount.

s. 16(1)(n),
repealed

- 7.—(1) Clause *n* of subsection 1 of section 16 of the said Act is repealed.

s. 16,
amended

- (2) The said section 16, as amended by the Statutes of Ontario, 1972, chapter 16, section 2 and 1976, chapter 24, section 3, is further amended by adding thereto the following subsection:

Minister
may
prescribe
forms

(1a) The Minister may make regulations prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

SECTION 6. The amendment adds two new sections.

The new section 15a provides that overpayments of tax are to be refunded or may be applied against other liability to the Treasurer of the person who made the overpayment. Interest on such overpayments will be paid if the amount of interest is not less than \$5.

The new section 15b provides that where an excessive refund has been made, the overpayment by the Treasurer may be recovered by the Minister in the same way as tax under the Act may be recovered or collected.

SECTION 7. The clause that is repealed by subsection 1 enabled the Lieutenant Governor in Council to prescribe forms for the purpose of the Act. This power is given to the Minister (subsection 2) which is in keeping with other revenue statutes.



8. This Act shall be deemed to have come into force on the 20th day of April, 1977. Commence-
ment
9. This Act may be cited as *The Tobacco Tax Amendment Act, 1977*. Short title

BILL 45

An Act to amend
The Tobacco Tax Act

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to provide Employment Opportunities for
Youth in Ontario**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTE

The Bill provides for the establishment of a Youth Employment Program that will encourage the farming and business communities to increase employment of youth in Ontario by creating youth summer job opportunities and that will provide young people with work experience and skills to better equip them for full-time participation in the labour market.

The Bill enables the Lieutenant Governor in Council to establish a Youth Employment Program by regulation. Pursuant to such a Program, the Treasurer of Ontario may make employment grants to "eligible employers" who hire "eligible employees".

All employers, other than federal, provincial or municipal governments or their agencies, boards and commissions will be eligible for employment grants if they have been actively engaged in business or farming in Ontario for at least one year immediately prior to the commencement of the Youth Employment Program.

Eligible employees are those who are,

- (a) resident in Ontario;
- (b) eligible to work in Ontario;
- (c) between the ages of fifteen and twenty-four years inclusive at the commencement of the Program; and
- (d) not related to the employer.

The Youth Employment Program established under the Bill will ensure that jobs created under the Program are in addition to those normally provided by the employer and will not result in the dismissal, lay-off or reduction in hours or period of work of any existing employees.

The Program will be subject to both ongoing and post-audit checks. The Bill contains provision for inspection to ensure that grants are properly made under the Program. Penalties are also provided for persons who obtain grants on the basis of false information.

An Act to provide Employment Opportunities for Youth in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "eligible employee" means a person who is resident and eligible to work in Ontario and who at the time of the commencement of the youth employment program has attained the age of fifteen years but has not attained the age of twenty-five years;
- (b) "eligible employer" means a person who has been actively engaged in business or farming in Ontario for at least one year immediately prior to the commencement of the youth employment program but does not include a municipality or local board thereof, the Government of Canada or the government of any province or any agency, board or commission thereof, or any person prescribed not to be eligible as an employer;
- (c) "employee" means an employee within the meaning of *The Employment Standards Act, 1974*; 1974, c. 112
- (d) "employer" means an employer within the meaning of *The Employment Standards Act, 1974*;
- (e) "farming" includes tillage of the soil, the breeding, raising or grazing of live stock of all kinds, the raising of poultry and the production of poultry products, fur-farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of live stock and the keeping of bees;
- (f) "local board" means a local board as defined in *The Municipal Affairs Act*; R.S.O. 1970,
c. 118

- (g) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (h) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional or district municipality;
- (i) "prescribed" means prescribed by the regulations;
- (j) "regulations" means the regulations made under this Act.

Purpose
of Act

2. The purpose of this Act is to provide for the establishment of a youth employment program that will encourage the farming and business communities in Ontario to achieve increased employment of youth in Ontario by creating new summer job opportunities and that will provide young people with work experience and skills that better equip them for full-time participation in the labour market.

Minister
may make
grants

3. The Minister may make grants in the prescribed amount to eligible employers who hire eligible employees in accordance with the terms and conditions of the youth employment program established under this Act.

Effect of
program

4.—(1) The youth employment program established under this Act shall ensure,

- (a) that employment created under the program is in addition to that normally provided by an employer and that it does not result in the dismissal, lay-off or reduction in regular hours or period of work of any existing employees of an employer; and
- (b) that employment is not provided under the program to an employee where the employer is a related person.

Interpre-
tation

(2) For the purposes of clause *b* of subsection 1, "related person" means,

- (i) any spouse, parent, son or daughter, brother or sister of the employee,
- (ii) any relative of the employee or of his spouse, other than a relative referred to in subclause i, who has the same home as the employee, or

- (iii) any body corporate of which the employee and any of the persons referred to in subclause i or ii or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

5. The Minister may, with the approval of the Lieutenant Governor in Council, make agreements with any person or with Her Majesty in right of Canada for the administration of the youth employment program. Agreements

6.—(1) Every person who receives a grant or distribution of money under this Act or the youth employment program shall, at such times and in such manner as may be prescribed, or in accordance with the provisions of an agreement under section 5, make a return to the Minister in the prescribed form. Returns

(2) Every person who fails to make a return as and when required by subsection 1 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$500. Offence

7. The Minister, or any person designated by him in writing, may at all reasonable times enter into any premises or place where any business is carried on or any property is kept, or any thing is done in connection with any business or any books or records are or should be kept pursuant to the provisions of this Act or the regulations to ensure that the provisions of this Act and the regulations are being complied with. Inspection

8.—(1) Upon an inspection under section 7, the person inspecting, Powers of
Inspector

- (a) is entitled to free access of all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, providing that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or other thing required by the person inspecting for the purposes of the inspection.

Copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by the inspector is admissible in evidence in any action, proceeding or prosecution as being of actual proof of the original.

Offence

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$10,000.

Non-disclosure

(4) No person employed in the administration or enforcement of this Act shall disclose information obtained under this Act, except where the disclosure is necessary for the administration or enforcement of this Act or where the disclosure is required by a court for the purposes of an action, prosecution or proceeding.

Offence

9.—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in related circumstances under which it was made, is false or misleading in respect of any material fact or omits to state any material fact, the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$10,000.

Saving

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading, and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Recovery of grant made on basis of false application

10. Where any person obtains a grant or disbursement of funds under this Act or the regulations, on the basis of information that is false or misleading or an application that contains any false or misleading statement, the amount of such grant or disbursement together with interest thereon at the prescribed rate, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

Regulations

11. The Lieutenant Governor in Council may make regulations establishing, amending or revoking a youth employment program and fixing the time of commencement and duration of the program, and, without restricting the generality of the foregoing,

- (a) prescribing the amounts of grants that may be made under the program to employers;
- (b) prescribing the terms and conditions upon which grants under the program may be made;
- (c) prescribing the manner in which eligibility for grants shall be determined;
- (d) prescribing the manner and method by which grants under the program shall be made;
- (e) prescribing the books and records to be kept by employers relating to employees in respect of whom grants under the program may be made;
- (f) prescribing the information and returns to be filed by employers in connection with the program;
- (g) prescribing the rate of interest for the purposes of section 10;
- (h) defining any word or expression used in this Act or the regulations that has not already been expressly defined in this Act;
- (i) prescribing any matter that is required or permitted by this Act to be prescribed by regulation;
- (j) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

12. Notwithstanding *The Summary Convictions Act*, proceedings to enforce any provision of this Act or the regulations may be instituted within two years after the time the subject-matter of the proceedings arose. Institution of proceedings
R.S.O. 1970,
c. 450

13. The moneys required for the purposes of this Act shall, until the 31st day of March, 1978, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

14. This Act comes into force on the day it receives Royal Assent. Commence-
ment

15. This Act may be cited as *The Ontario Youth Employment Act, 1977*. Short title

An Act to provide
Employment Opportunities for Youth
in Ontario

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Retail Sales Tax Act

THE HON. M. SCRIVENER
Minister of Revenue

TORONTO

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EXPLANATORY NOTES

In accordance with the Treasurer's Budget, this Bill,

- (a) extends the present exemption for thermal insulation materials to many other classes of energy conservation equipment;
- (b) includes in the fair value of a canned soft drink the amount of the tax to be imposed by *The Environmental Tax Act, 1977* so that retail sales tax will apply to the retail price of the canned soft drink plus the amount of the environmental tax;
- (c) exempts from tax the price of admission to a place of amusement where the price of admission is \$3 or less. Tax formerly applied when the price was more than \$.75 and will now apply only where the price exceeds \$3;
- (d) provides for exempting from tax disposable tangible personal property that is used in the provision of transient accommodation by the operators of hotels, motels, etc.;
- (e) raises from \$5 to \$6 the exemption for the price of a prepared meal;
- (f) increases the amount of compensation payable to vendors who collect retail sales tax for the Crown.

In addition, the Bill contains other amendments to clarify the provisions of the Act and to deal with taxes collected in trust for the Crown.

SECTION 1.—Subsection 1. The provision added by the amendment will include the amount of tax under *The Environmental Tax Act, 1977* as part of the purchase price of a canned soft drink (which is tangible personal property under *The Retail Sales Tax Act*) on which retail sales tax is levied.

Subsection 2. The paragraph amended defines "place of amusement". The definition is amended to make it clear that a place of amusement includes an amusement park and other places of entertainment.

SECTION 2.—Subsection 1. The amendment raises the exemption for prepared meals from \$5.00 to \$6.00.

Subsection 2. The amendment provides that tax on the price of admission is payable only when the price exceeds \$3.00. The subsection that is replaced by the amendment now reads as follows:

- (4) *Every purchaser of admission to a place of amusement shall pay to Her Majesty in right of Ontario a tax on the price of admission as follows:*

<i>Price of Admission</i>	<i>Tax</i>
<i>More than 75 cents and not more than 84 cents</i>	<i>— 6 cents</i>
<i>More than 84 cents and not more than 90 cents</i>	<i>— 7 cents</i>
<i>More than 90 cents and not more than 92 cents</i>	<i>— 8 cents</i>

and where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission.

BILL 47

1977

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 4 of section 1 of *The Retail Sales Tax Act*,
being chapter 415 of the Revised Statutes of Ontario,
1970, as amended by the Statutes of Ontario, 1976,
chapter 23, section 1, is further amended by adding thereto
the following clause:

 - (ba) the amount of the tax payable under *The Environ- 1977, c. ...*
mental Tax Act, 1977.
- (2) Paragraph 7 of the said section 1 is amended by inserting s. 1, par. 7,
amended
after "means" in the first line "an amusement park or"
and by inserting after "performance" in the sixth line
"or entertainment".
- 2.—(1) Paragraph 2 of subsection 2 of section 2 of the said Act, s. 2(2), par. 2,
re-enacted
as re-enacted by the Statutes of Ontario, 1976, chapter
23, section 2, is repealed and the following substituted
therefor:

 2. prepared meals sold at a price of over \$6.00.
- (2) Subsection 4 of the said section 2 is repealed and the s. 2(4),
re-enacted
following substituted therefor:

 - (4) Every purchaser of admission to a place or places of Tax on
admission to
a place of
amusement
amusement shall pay to Her Majesty in right of Ontario a
tax computed at the rate of 10 per cent of the price of
admission where the price of admission exceeds \$3.00.
- (3) Subsection 6 of the said section 2 is repealed and the s. 2(6),
re-enacted
following substituted therefor:

 - (6) Where the Minister considers it necessary or advisable, Deter-
mination of
fair value
he may determine the amount of any price of admission, or

the fair value of any tangible personal property or taxable service, for the purposes of taxation under this Act, and thereupon the price of admission, or fair value of such tangible personal property or taxable service, for such purpose shall be as so determined by him unless, in proceedings instituted by an appeal under section 20, it is established that the determination is unreasonable.

s. 5 (1), par. 2,
amended

- 3.—(1) Paragraph 2 of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 23, section 4 and amended by 1976, chapter 23, section 3, is further amended by striking out “\$5.00” in the second line and in the fourth line, as inserted by the amendment of 1976, and inserting in lieu thereof in each instance “\$6.00”.

s. 5 (1), par. 2a,
amended

- (2) Paragraph 2a of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1973, chapter 23, section 4 and amended by 1976, chapter 23, section 3, is further amended by striking out “\$5.00” in the sixth line, as inserted by the amendment of 1976, and inserting in lieu thereof “\$6.00”.

s. 5 (1), par. 24b,
re-enacted

- (3) Paragraph 24b of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed and the following substituted therefor:

24b. materials or equipment that are used for the conservation of energy and that are,

- (a) thermal insulation materials, as defined by the Minister, that are sold primarily to insulate buildings and that are not primarily for a use prescribed by the Minister to be excluded from the exemption conferred by this paragraph,
- (b) heat pumps for use principally to provide heat in the heating system of a building,
- (c) heat recovery units or devices for extracting heat from exhaust air or waste water to recover energy,
- (d) solar cells to be used to produce directly from sunlight electricity to charge batteries,
- (e) solar furnaces, panels and tubes specially designed to collect and convert solar energy into heat for use in a solar heating system,

Subsection 3. The subsection is re-enacted to make it clear that the Minister's authority to determine fair value applies to the price of admission and to the value of taxable services. The provision being replaced by the amendment referred only to property, and created some doubt as to how far the subsection extended. The replaced subsection now reads as follows:

- (6) *Where the Minister deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him.*

SECTION 3.—Subsections 1 and 2. These amendments are consequential on the increase from \$5.00 to \$6.00 in the exemption for prepared meals.

Subsection 3. This amendment adds two paragraphs, 24b and 24c, to the list of exemptions contained in subsection 1 of section 5 of the Act.

The new paragraph 24b provides for the exemption of the classes of energy conservation equipment and material that are proposed by the Treasurer's Budget to be exempt from retail sales tax. Paragraph 24b, prior to this amendment, exempted only thermal insulation materials for existing buildings. The amendment retains this exemption, but extends it to thermal insulation materials in all buildings, and includes many other energy conserving devices. The former paragraph 24b read:

24b. thermal insulation materials, as defined by the Minister, that are purchased exclusively to insulate a building the construction of which has been completed and that is occupied permanently or seasonally for residential purposes if, with respect to such purchase, the person selling such materials is provided with either,

- (a) the completed exemption certificate for thermal insulation materials in the form prescribed by the Minister, and signed by the purchaser; or*
- (b) where the person acquiring such materials holds a valid permit under section 3, a single purchase exemption certificate or a blanket purchase exemption certificate issued in accordance with the regulations,*

but the exemption conferred by this paragraph does not apply to the purchase of such materials used to insulate any commercial or industrial building, any hotel, motel or lodge or similar establishment, or any new residential premises in the process of construction.

The new paragraph 24c provides for the exemption of tangible personal property to be consumed in the provision of transient accommodation. Transient accommodation includes the rental of hotel rooms, motel rooms, etc., and, in general, lodging for periods of less than a month. As indicated in the Treasurer's Budget, the items to be exempted under this paragraph are items such as facial tissue, matches, soap and similar items provided by hotels and motels for the temporary convenience of those to whom accommodation is rented. The list of items exempt under this paragraph will be prescribed by regulation.

SECTION 4. Pursuant to the policy announced in the Treasurer's Budget, and in consequence of the proposed increase in the amount of the price of admission that will not be liable to tax, the amendment repeals subsections 2, 3, 3a and 4 of section 7 and replaces them with a general provision for exemption, on approval of the Lieutenant Governor in Council, in special circumstances.

Section 7 presently reads as follows:

- 7.—(1) *If, owing to special circumstances, it is deemed inequitable that the whole amount of tax imposed by this Act be paid, the Minister may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from payment of the whole or any part of such tax.*
- (2) *Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant Governor in Council may, upon application of the vendor made to the Minister at least ten days before the tax would otherwise be payable, exempt the purchaser from the payment and the vendor from collection of the tax imposed by subsection 4 of section 2.*
- (3) *Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes was collected and paid to Her Majesty in right of Ontario in accordance with subsection 4 of section 2, and where the vendor files with the Minister a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of the proceeds is attached thereto, and where the Minister is satisfied that the organization is one whose operations are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, there may be paid to the organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by the organization bear to the gross amount received by the vendor as the price of admission to such place of amusement.*
- (3a) *Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement, which is a community centre as defined in and for which aid has been granted under The Community Centres Act, at or in which an entertainment has been held by a municipality, was collected and paid to Her Majesty, in right of Ontario in accordance with subsection 4 of section 2 and where the municipality files with the Minister a statement, verified by affidavit, giving in detail all receipts and expenses in connection with the entertainment and satisfies the Minister that the net proceeds were for the benefit of the municipality, there may be paid to the municipality an amount equal to that proportion of the tax so collected and paid which the net proceeds from admissions received by the municipality bear to the gross amount received by the municipality as the price of admission to such place of amusement.*
- (4) *Where application of the vendor is made to the Minister at least ten days before the tax imposed by subsection 4 of section 2 would otherwise be payable and the Minister is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Minister may, in his absolute discretion, exempt the purchaser from the payment and the vendor from the collection of the tax imposed by subsection 4 of section 2.*

- (f) windmills and wind-powered generators that produce mechanical or electrical energy, and pumps and generators specially designed for use directly with such devices,
- (g) timer-controlled thermostats for heating systems in buildings and automatic timer controls for electrical equipment,
- (h) wood-burning stoves and wood-burning furnaces, or
- (i) wind deflectors for trucks;

24c. tangible personal property that is prescribed by the Minister for the purpose of this paragraph and that is purchased by a vendor to be consumed by him in the provision of transient accommodation.

4. Subsections 2 and 3, subsection 3a as enacted by the Statutes of Ontario, 1974, chapter 7, section 3, and subsection 4 of section 7 of the said Act are repealed and the following substituted therefor: s. 7 (2).
re-enacted;
s. 7 (3, 3a, 4).
repealed

(2) The Minister may, with the approval of the Lieutenant Governor in Council, exempt a purchaser from the payment of, and a vendor from the collection of, the tax imposed by subsection 4 of section 2 with respect to the price of admission to any live performance or entertainment that is an opera, a ballet, a musical event or play or other live theatrical performance, or any live entertainment, when any such performance or entertainment is sponsored or staged by or for the benefit of any organization required to carry on its activities without the purpose of gain for its members. Idem

5. Clauses *a* and *b* of subsection 1 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 5, are repealed and the following substituted therefor: s. 11 (1) (a, b).
re-enacted

(a) \$700; or

(b) the aggregate of,

- (i) 4 per cent of the tax collected by the vendor in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$75 or more,

- (ii) \$3 for each return with respect to tax collected by the vendor in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$3 and is less than \$75, and
- (iii) the tax collected by the vendor in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$3,

.

s. 18,
amended

6. Section 18 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 9, section 7, is further amended by adding thereto the following subsections:

Trust money
in liquidation
proceedings

(2) Where, by the order of a court or otherwise, any property of a vendor is lawfully taken from his control or possession for the purposes of liquidation in receivership proceedings, winding-up proceedings or for the purpose of a distribution to creditors pursuant to a general assignment made for the benefit of creditors, an amount equal to the amount of tax that was collected by the vendor and that by subsection 1 is deemed to be held in trust for Her Majesty in right of Ontario, shall, to the extent of the amount of tax that was collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and was not remitted to the Treasurer as required by subsection 1, be deemed to be separate from, and to form no part of, the estate or property in liquidation, whether or not that amount has in fact been kept separate and apart from the vendor's own property and in trust in accordance with subsection 1.

Minister's
certificate

R.S.C. 1970,
c. B-3

(3) Every person who, as assignee, liquidator, administrator, receiver, receiver-manager, trustee or other like person, other than a trustee appointed under the *Bankruptcy Act* (Canada), takes control or possession of the property of any vendor holding a valid and subsisting permit issued under section 3 shall, before distributing such property or the proceeds from the realization thereof under his control, obtain from the Minister a certificate that the tax collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and not remitted by the vendor as required by subsection 1 has been paid or that security therefor acceptable to the Minister has been given, and any assignee, liquidator, administrator, receiver, receiver-manager, trustee or other like

SECTION 5. This section increases the amount of compensation payable to vendors who are responsible to collect the retail sales tax. Compensation is increased from 3 per cent a year to 4 per cent a year with a maximum of \$700 in any year. The maximum compensation was formerly \$500 in any year. In addition, the minimum compensation for each return filed by a vendor is increased from \$2 to \$3 or the tax covered by the return if the return shows the tax to be less than \$3.

SECTION 6. The amendment provides that, where a vendor who has collected tax that is trust money for the Crown goes into liquidation or receivership, the trust imposed by subsection 1 of section 18 of the Act for collected tax applies to an amount equal to the tax collected and not remitted in the year preceding the liquidation or receivership. A receiver or liquidator is required to obtain a certificate that tax collected in trust during the year is paid, and will be liable to the Crown for any loss sustained if the certificate is not obtained. The requirement to obtain the certificate applies only where the vendor has been issued a permit under section 3 of the Act, and there will be no liability if the tax collected in trust has been paid to the Crown.

SECTION 7. The amendment adds a reference to assessments made under section 15a of the Act so that overpayments of tax finally determined to be payable under an assessment pursuant to section 15a will be returned to the taxpayer with interest. Prior to the amendment, section 30 (2) of the Act had omitted a reference to assessments under section 15a, a section which was added to the Act in 1976, and this omission is now to be corrected and will be made retrospective to the date when section 15a of the Act came into force (April 7, 1976).

SECTION 8. The amendment adds to the section allowing garnishment for unpaid taxes provisions that deal with the garnishment of wages and that allow an application to a judge when a garnishee has failed to honour the garnishment. The amendment with respect to the garnishment of wages limits such garnishments to the provisions of *The Wages Act*.

person, other than a trustee appointed under the *Bankruptcy Act* (Canada), who distributes any such property or the proceeds of the realization thereof without having obtained the certificate required by this subsection is personally liable to Her Majesty in right of Ontario for an amount equal to the amount of tax that was collected by the vendor in the year immediately preceding the date when the vendor lost control or possession of his property and not remitted to the Treasurer as required by subsection 1.

R.S.C. 1970,
c. B-3

7. Subsection 2 of section 30 of the said Act is amended by inserting after "15" in the fourth line "or 15a".

s. 30 (2),
amended

8. Section 31 of the said Act is amended by adding thereto the following subsections:

s. 31,
amended

(6) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment
of wages
R.S.O. 1970,
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure
to remit

9.—(1) This Act, except section 1, subsections 1 and 2 of section 2, and sections 3, 4, 5 and 7 comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 7 shall be deemed to have come into force on the 7th day of April, 1976.

Idem

(3) Subsection 2 of section 1, subsections 1 and 2 of section 2, and sections 3, 4 and 5 shall be deemed to have come into force on the 20th day of April, 1977.

Idem

(4) Subsection 1 of section 1 comes into force on the 1st day of June, 1977.

Idem

10. This Act may be cited as *The Retail Sales Tax Amendment Act, 1977*.

Short title

BILL 47

An Act to amend
The Retail Sales Tax Act

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Land Transfer Tax Act, 1974

THE HON. M. SCRIVENER
Minister of Revenue

EXPLANATORY NOTES

GENERAL

In accordance with the Treasurer's Budget, the amendments proposed in this Bill provide that the registration of conveyances of commercial, industrial or residential land will attract the same tax, whether the transferee of the conveyance is a resident of Canada or a non-resident person. Non-residents who acquire farmland or recreational land in Ontario will continue to pay tax at the higher rate. In addition to the amendments necessary to implement the Budget proposals, certain administrative amendments are proposed to facilitate the collection of tax and the fairer application of the Act.

SECTION 1. Subsection 1 defines recreational land, residential land and unrestricted land. Unrestricted land includes all land zoned for commercial or industrial use and all land having a residential assessment under *The Assessment Act* or that is in use for commercial, industrial or residential purposes. Unrestricted land does not include land that is assessed or used as farmland, recreational land or woodlands.

Subsection 2 of section 1 provides that the consideration on which tax is based when land is acquired by the foreclosure of a mortgage or charge is the lesser of the amount owing on the mortgage or charge or the fair market value of the land. Thus, where the costs secured by the mortgage at the time of foreclosure exceed the value of the land, tax is determined on the lower value.

Subclause iv of clause *m* now reads as follows:

(*m*) "*value of the consideration*" includes,

-
- (iv) *in the case of a final order of foreclosure under any mortgage or charge affecting land, the amount owed under the mortgage at the time it was foreclosed, including principal, interest and all costs and expenses, other than municipal taxes, secured by the mortgage and owing at that time.*

**An Act to amend
The Land Transfer Tax Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Land Transfer Tax Act, 1974*, being chapter 8, as amended by the Statutes of Ontario, 1974, chapter 93, section 1, is further amended by adding thereto the following clauses:

(ha) “recreational land” means land that is not used exclusively as residential land and that is predominantly used for the recreation and enjoyment of its owner or lessee or those, other than persons using the land for agricultural purposes, who are permitted by such owner or lessee to be on the land;

(hb) “residential” means, when used in respect of land, the land subjacent to a building that is the main and principal residence of the occupants, whether as owners or tenants, and includes all immediately contiguous lands necessary and used for such residence;

.

(la) “unrestricted land” means land that,

(i) under a by-law passed pursuant to section 35 of *The Planning Act*, or under an order made pursuant to section 32 of that Act is zoned for commercial or industrial use, or

R.S.O. 1970.
c. 349

(ii) where subclause i does not apply, is assessed under *The Assessment Act* for residential assessment or is lawfully used and occupied or was last lawfully used or occupied for commercial, industrial or residential purposes,

R.S.O. 1970.
c. 32

R.S.O. 1970,
c. 32

and that is not assessed under *The Assessment Act*, or is not actually used, as farm or agricultural land, woodlands, recreational land or as an orchard.

s. 1 (1) (m) (iv),
re-enacted

- (2) Subclause iv of clause *m* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(iv) in the case of a final order of foreclosure under any mortgage or charge affecting land, the lesser of,

(A) the amount owed under the mortgage or charge at the time it was foreclosed, including principal, interest and all other costs and expenses, other than municipal taxes, secured by the mortgage or charge and owing at that time, or

(B) an amount established to the satisfaction of the Minister to be equal to the fair market value of the land that is subject to the mortgage or charge.

s. 2 (1),
re-enacted

- 2.—(1) Subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

Tax
imposed

- (1) Every person who tenders for registration in Ontario,
- (a) a conveyance whereby any land is conveyed to or in trust for any transferee who is not a non-resident person; or
- (b) a conveyance that is a conveyance only of unrestricted land and upon which is endorsed or to which is attached a certification by the Minister, or by some person authorized by the Minister in writing to make the certification, that all of the land being conveyed is unrestricted land,

shall, before the conveyance is registered, pay a tax computed at the rate of three-tenths of 1 per cent of the value of the consideration for the conveyance up to and including \$35,000, and at the rate of six-tenths of 1 per cent upon the remainder of the value of the consideration.

s. 2 (2),
amended

- (2) Subsection 2 of the said section 2 is amended by inserting after "land" in the second line "that is not unrestricted land".

SECTION 2.—Subsections 1 and 2. These amendments provide that the tax rate of three-tenths of 1 per cent on the first \$35,000 and six-tenths of 1 per cent on the remainder of the consideration for the transfer of land apply to any land purchased by a Canadian resident and to any unrestricted land. The registration of a conveyance of land that is not unrestricted land will continue to attract tax at the rate of 20 per cent when acquired by a non-resident person.

Subsections 1 and 2 of section 2 of the Act now read as follows:

- (1) *Every person who tenders for registration in Ontario a conveyance whereby any land is conveyed to or in trust for any transferee who is not a non-resident person shall, before the conveyance is registered, pay a tax computed at the rate of three-tenths of 1 per cent of the value of the consideration for the conveyance up to and including \$35,000, and at the rate of six-tenths of 1 per cent upon the remainder of the value of the consideration.*
- (2) *Every person who tenders for registration in Ontario a conveyance whereby any land is conveyed to or in trust for any transferee who is a non-resident person shall, before the conveyance is registered, pay a tax computed at the rate of 20 per cent of the value of the consideration for the conveyance.*

Subsection 3. The amendment provides for applying the proper tax rate to the registration of a conveyance of unrestricted land and land that is not unrestricted land.

SECTION 3.—Subsection 1. The amendment provides that the affidavit disclosing the consideration for a conveyance of land must be made by the transferee or his agent or solicitor. This is the same requirement as for the affidavit of residence under the Act. This change will facilitate simplification of the forms under the Act and the combination of these affidavits with other affidavits required to be registered with a conveyance by other statutes. The repealed subsection 2 of section 4 differs materially from the amendment proposed only to the extent that it allowed the affidavit of consideration to be made by either the transferor or the transferee. The amendment removes the reference to transferor.

Subsection 2 of section 4 of the Act now reads as follows:

- (2) *The affidavit required by subsection 1 may be made by the person making the conveyance or by the transferee or by any person acting for either of them under a power of attorney or as an agent authorized in writing so to act, or by the solicitor for the person making the conveyance or for the transferee, or by some other person authorized in writing by the Minister to make the affidavit.*

Subsection 2. The amendment removes the requirement that, where an agent other than a solicitor makes the affidavits required by the Act, written evidence of the agent's authority be attached to the affidavit. The existence of the written authority is now to be established by a statement to that effect in the affidavit itself. The subsection to be replaced by this amendment reads as follows:

- (4) *The affidavit required by subsection 1 or 3 shall state that the person making it has personal knowledge of the facts stated in it, and there shall be filed with the affidavit the power of attorney or written authorization, if any, referred to in subsection 2 or 3.*

Subsections 3 and 4. The amendments dispense with the affidavit of residence where the land being conveyed is unrestricted land, since the same rates of tax apply regardless of the residence of the transferee.

Subsection 6 of section 4 now reads as follows:

- (6) *Except as provided in subsection 7, where a conveyance is tendered for registration without the affidavit required by subsection 3, tax is payable at the rate provided in subsection 2 of section 2, and the collector shall not register the conveyance until such tax is paid, but if it is subsequently established to the satisfaction of the Minister that, had the affidavit required by subsection 3 been furnished to the collector, tax would have been payable as provided in subsection 1 of section 2, the Minister may refund the amount paid under this subsection in excess of the tax provided for in subsection 1 of section 2.*

- (3) The said section 2, as amended by the Statutes of Ontario, ^{s.2, amended} 1974, chapter 93, section 2, is further amended by adding thereto the following subsection:

(6) Where only a part of the land being conveyed is ^{Apportionment of consideration} unrestricted land and the conveyance is to or in trust for any non-resident person, the Minister may, to the extent that he considers it practicable, determine what amount of the value of the consideration for the conveyance is reasonably attributable to the unrestricted land being conveyed, and the person tendering the conveyance for registration is, notwithstanding subsection 1 or 2, liable to a tax computed at the rate of six-tenths of 1 per cent of such amount so determined, and is liable to a tax computed at the rate of 20 per cent of the amount of the value of the consideration for the conveyance that is determined by the Minister not to be reasonably attributable to the unrestricted land being conveyed.

- 3.—(1) Subsection 2 of section 4 of the said Act is repealed ^{s.4(2), re-enacted} and the following substituted therefor:

(2) The affidavit required by subsection 1 shall be made, ^{Affidavit by whom to be made}

- (a) by the transferee, or by one or more of the transferees, named in the conveyance;
- (b) by the solicitor acting for a transferee named in the conveyance;
- (c) by a person acting for a transferee named in the conveyance under a power of attorney or as an agent authorized in writing so to act; or
- (d) by some other person authorized in writing by the Minister to make the affidavit.

- (2) Subsection 4 of the said section 4 is repealed and the ^{s.4(4), re-enacted} following substituted therefor:

(4) The affidavit required by subsection 1 or 3 shall state ^{Affidavits, what to contain} that the person making it has personal knowledge of the facts stated in it, and shall state, where applicable, that the power of attorney or written authorization, if any, referred to in subsection 2 or 3 has been given, the date upon which such power of attorney or written authorization was executed, and the name of the person executing such power of attorney or written authorization.

s. 4 (6),
amended

- (3) Subsection 6 of the said section 4, as amended by the Statutes of Ontario, 1974, chapter 93, section 3, is further amended by striking out "7" in the amendment of 1974 and inserting in lieu thereof "7 or 8".

s. 4,
amended

- (4) The said section 4 is further amended by adding thereto the following subsection:

Affidavit
as to
residence not
required

- (8) Notwithstanding subsection 3, where a conveyance tendered for registration has endorsed upon it or attached to it the certification in accordance with clause *b* of subsection 1 of section 2 that all of the land being conveyed is unrestricted land, no affidavit is required under subsection 3 on the tender of such conveyance for registration.

s. 8,
amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 93, section 5, is further amended by adding thereto the following subsection:

Refunds on
conveyances
of
unrestricted
land

- (4) Where tax has been paid with respect to the registration of a conveyance of unrestricted land to or in trust for a non-resident person, and it is established to the satisfaction of the Minister that the certification in accordance with clause *b* of subsection 1 of section 2 was erroneously refused after full and complete disclosure of all relevant circumstances and facts to the person requested to make the certification, the Minister may refund any tax that would not have been payable had the certification been properly given, provided that application for such refund is made within three years of the payment of the tax of which a refund is sought.

s. 12 (4),
re-enacted

5. Subsection 4 of section 12 of the said Act is repealed and the following substituted therefor:

Limitation
on
assessment

- (4) The Minister may assess or reassess any person for any tax payable by him under this Act within four years from the day such tax became payable, except that, where the Minister establishes that a person has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in supplying any information under this Act, in making any affidavit required by this Act, or in omitting to disclose any information, the Minister may assess or reassess at any time he considers reasonable the tax payable by such person.

ss. 14a, 14b,
enacted

6. The said Act is further amended by adding thereto the following sections:

Recovery
of tax

- 14a.—(1) Upon default of payment of an amount assessed under section 12,

SECTION 4. The amendment provides for refunds of tax paid at the higher rate on land that is later established to have been unrestricted land and taxable at the lower rates.

SECTION 5. The amendment provides that an assessment of tax must be made within four years unless there has been misrepresentation or fraud, in which case the four year limitation does not apply. The subsection replaced by this amendment reads as follows:

- (4) *The Minister may, at any time he considers reasonable, assess or reassess any tax payable by any person under this Act.*

SECTION 6. The amendment adds two new sections to the Act, sections 14a and 14b. These sections add to the Act provisions similar to those in the other revenue statutes of the Province, and enable the Minister to recover unpaid tax by action in the courts, by execution or by garnishment.



- (a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person assessed for tax under this Act is located or situate for the amount of the tax, interest and penalty or any of them owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Compliance
to be
proved by
affidavit

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of the Crown.

Remedies
for recovery
of tax

14b.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Garnishment

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service on
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Garnishment
of wages
R.S.O. 1970,
c. 486

(6) Subject to the provisions of *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Failure
to remit

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.



SECTION 7.—Subsection 1. The clauses being repealed enabled the Minister, with the approval of the Lieutenant Governor in Council, to defer or remit tax on the condition that a non-resident corporation acquiring land would become a resident corporation. These clauses are considered no longer to be required now that commercial, industrial and residential land can be acquired by a non-resident person at the lower rates of tax.

Subsection 2. The amendment provides that, where the lessee of land acquires the remaining interest in the land from the lessor, the consideration paid to the lessor can be reduced by the amount of the consideration on which the lessee paid tax under this Act when he acquired his leasehold interest. This provision will only apply where the lease, at the time the lessee acquired it, was for more than fifty years. Leases for a shorter term do not attract tax under the Act. On the leases that are taxable, the tax is based on the fair market value of the land leased, and the amendment will prevent the lessee from paying tax on the same consideration a second time when he acquires the lessor's remaining interest in the land.

- 7.—(1) Subsection 1 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 93, section 7, is amended by adding "or" at the end of clause *c* and by striking out clauses *e*, *f* and *g*. s. 16 (1),
amended
- (2) The said section 16, as amended by the Statutes of Ontario, 1974, chapter 93, section 7, is further amended by adding thereto the following subsection: s. 16,
amended
- (5a) Where a person entitled to the leasehold interest in land acquires the freehold interest therein, the value of the consideration for the conveyance to that person of the freehold interest may be reduced by the amount of the value of the consideration for the conveyance by which such person acquired his leasehold interest in the land if the value of that consideration was determined under sub-clause *v* of clause *m* of subsection 1 of section 1 and if tax was computed and paid with respect to the value of that consideration so determined, but the reduction shall not exceed the value of the consideration for the conveyance of the freehold interest. Reduction of
consideration
on lessee
acquiring
freehold
8. This Act shall be deemed to have come into force on the 20th day of April, 1977. Commence-
ment
9. This Act may be cited as *The Land Transfer Tax Amendment Act, 1977*. Short title

BILL 48

An Act to amend
The Land Transfer Tax Act, 1974

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Land Speculation Tax Act, 1974

THE HON. M. SCRIVENER
Minister of Revenue

EXPLANATORY NOTES

Proposed amendments to *The Land Transfer Tax Act, 1974* necessitate some changes to *The Land Speculation Tax Act, 1974*.

Dispositions of designated land by a change in the ownership of shares of a corporation to non-resident persons within the meaning given to that expression in *The Land Transfer Tax Act, 1974*, will not attract the tax imposed under section 2 (2) of the Act where the designated land being conveyed is "unrestricted land" as defined in amendments to *The Land Transfer Tax Act, 1974* proposed by the Treasurer in his Budget.

The period during which investment property must be held in order to qualify for a complete reduction of tax is reduced from ten to five years. Apportionment for both the investment property reduction and the farm property reduction is now provided for on a monthly rather than annual basis. Certain time periods during which farm land is leased may now be included in the period during which the farm tax reduction may be earned.

A further amendment recognizes that where a transferor grants a taxable lease and then reacquires the rights under that lease, he should be given a write-up to the fair market value of the designated land underlying the lease as of the date of such taxable disposition, thereby recognizing that such transferor has paid tax on the increase in the value of the designated land up to that date.

In addition, certain administrative amendments are proposed to facilitate the collection of tax and the fairer application of the Act.

SECTION 1.—Subsection 1. The amendment is consequential on the addition of the new sub-subclause "BC", added by subsection 2.

Subsection 2. The addition of sub-subclause BC establishes the acquisition cost of a transferor who has granted a lease having a term of more than fifty years which was a taxable disposition and then at a later date reacquires the rights under that lease at a time when the lease has less than fifty years to run. In this case, the transferor has paid tax on any increase in the value of the land up to the date he granted the lease over fifty years. Thus, where he reacquires the rights under that lease, his acquisition cost is the fair market value of the land as of the date he granted the original lease.

Subsection 3. This amendment is consequential on the addition of the new sub-subclause "BC".

Subsection 4. The Act presently provides that, where land acquired before April 9, 1974 is being disposed of, the transferor may use the higher of the fair market value of the designated land on that date or its actual cost of acquisition to him prior to that date. This amendment allows the cost of improvements made to the land by the transferor prior to April 9, 1974 to be added to the actual acquisition cost option so that a person holding land at April 9, 1974 will not be penalized by the fact that he has improved the land beyond its actual fair market value ascertained as of April 9, 1974.

BILL 49

1977

**An Act to amend
The Land Speculation Tax Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Sub-subclause A of subclause i of clause *a* of subsection 1 of section 1 of *The Land Speculation Tax Act, 1974*, being chapter 17, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is further amended by inserting after "BB," in the amendment of 1974 "BC," s. 1 (1) (a)
(1) (A),
amended
- (2) Subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding thereto the following sub-subclause: s. 1 (1) (a) (1),
amended

(BC) as the result of his reacquisition otherwise than by a disposition described in subclause iii of clause *d*, of the rights under a lease or similar arrangement that, when originally granted or effected, was a disposition by him within the meaning of subclause iii of clause *d*, that amount that was determined to be the proceeds of disposition in accordance with subclause iv of clause *l* with respect to such original disposition by him.
- (3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is further amended by inserting after "BB" in the amendment of 1974 "BC". s. 1 (1) (a)
(1) (C),
amended
- (4) Subclause ii of clause *a* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 121, section 1, is repealed and the following substituted therefor: s. 1 (1) (a) (11),
re-enacted

- (ii) where the designated land was acquired by the transferor on or before the 9th day of April, 1974, the higher of either the fair market value of the designated land ascertained as at the 9th day of April, 1974, or the sum of the cost to the transferor of the acquisition of the designated land and the cost of improvements made by him on or before the 9th day of April, 1974.

s. 1.
amended

- (5) The said section 1 is further amended by adding thereto the following subsections:

Disposition
of reversion

(13) Where the transferor is disposing of the fee simple in designated land that is, at the time of such disposition, subject to a lease or other similar arrangement that was originally granted or effected by him, he may, in lieu of the amount required by subclause i or ii of clause *a* of subsection 1 to be added to the adjusted value applicable to such disposition, add an amount equal to either,

- (a) the fair market value of the whole interest in the designated land, ascertained as of the 9th day of April, 1974, if such lease or similar arrangement was granted or effected on or before that date; or
- (b) an amount equal to the fair market value of the whole interest in the designated land at the date of the disposition made by him after the 9th day of April, 1974 by which such lease or similar arrangement was granted or effected and the proceeds of which were required to be determined in accordance with subclause iv of clause *l* of subsection 1.

Proceeds of
disposition
deemed not
to have
arisen

(14) Sub-subclause B of subclause i of clause *a* of subsection 1 as it appears on the day this subsection comes into force shall be deemed to have been in force on and after the 9th day of April, 1974 and with respect to the death of any person on or after that date resulting in a disposition described in subclause iv of clause *d* of subsection 1, no proceeds of disposition shall be deemed to have arisen.

s. 2 (2).
re-enacted

- 2. Subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

Idem

(2) Where there is a disposition within the meaning of subclause vi or vii of clause *d* of subsection 1 of section 1 of any designated land that is not unrestricted land, as defined in *The Land Transfer Tax Act, 1974* and the result of the

1974. c. 8

Subsection 5. This amendment has the effect of making a previous amendment to the Act retroactive to April 9, 1974 thus giving all persons who have taken land as the result of a death occurring on or after April 9, 1974, an acquisition cost equal to the fair market value of the property on the date of the death.

Subsection 6. This amendment provides an acquisition cost for a transferor disposing of the reversionary interest in land that is subject to a lease previously granted by him. If he granted the lease before April 9, 1974, he may include in his adjusted value the fair market value of the whole interest in the land as of April 9, 1974 or if he granted the lease having a term of more than fifty years after April 9, 1974, he is given a write-up to the fair market value of the whole interest in the land as of the date of such taxable disposition.

SECTION 2. The re-enactment provides that a disposition of designated land by a change in the ownership of the shares of a corporation to a non-resident person under *The Land Transfer Tax Act, 1974* will not attract the tax imposed by subsection 2 of section 2 of the Act where the designated land is "unrestricted land" within the meaning given to that expression in *The Land Transfer Tax Act, 1974* which will be amended as proposed in the Treasurer's Budget and *The Land Transfer Tax Amendment Bill* introduced contemporaneously with this Bill.

SECTION 3.—Subsection 1. This amendment removes from section 4 (d) of the Act the reference to “tourist resorts prescribed by the Minister by regulation” since tourist resorts are treated as commercial property under the Act and thus it has not been necessary for such a regulation to be passed.

Subsection 2. This amendment provides that for the purposes of section 4 (g) of the Act the date of disposition will be the time when the purchaser is first entitled to call for delivery of a conveyance of the designated land. This means that in order to claim the exemption provided for in section 4 (g) a transferor will have to construct a structure on the land worth 40 per cent of the proceeds of disposition or renovate to the extent of 20 per cent of his acquisition cost by the time of closing of the transaction rather than by the time the agreement for sale is entered into.

SECTION 4. This amendment adds a new clause that relates to the recreational property exemption described in section 4 (f) of the Act. That exemption is lost if the recreational property is sold to a non-resident and the amendment provides that in respect to the residency requirement set out in that clause, the transferor may claim the exemption if he obtains from the purchaser a residency affidavit in the form required under *The Land Transfer Tax Act, 1974* showing that the purchaser is not a non-resident person.

SECTION 5. This amendment limits the time during which the Minister may assess any person for tax under the Act to four years from the time the tax became payable except for cases of misrepresentation or fraud in which cases the Minister may assess at any time considered reasonable.

disposition is that control of the corporation beneficially interested in the designated land is exercisable by a person or a group of persons different from those by whom control of the corporation was exercisable before the disposition, there shall be imposed and levied, for the uses of Her Majesty in right of Ontario, upon the designated land a tax, in addition to the tax imposed by subsection 1, calculated on the proceeds of disposition of the designated land that is not unrestricted land, as defined in *The Land Transfer Tax Act*, 1974 and computed at the rate of 20 per cent of such proceeds of disposition where the corporation beneficially interested in the designated land is, immediately after the disposition has occurred, a non-resident corporation as defined in *The Land Transfer Tax Act*, 1974. ^{1974, c. 8}

3.—(1) Clause *d* of section 4 of the said Act is amended by striking out “as a tourist resort of a class, kind or designation prescribed by the Minister by regulation, or” in the second, third and fourth lines. ^{s. 4 (d), amended}

(2) Clause *g* of the said section 4 is amended by adding at the end thereof “and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression ‘time of the disposition’ means the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of the disposition, as defined in this clause”. ^{s. 4 (g), amended}

4. The said Act is amended by adding thereto the following section: ^{s. 4a, enacted}

4a. Notwithstanding clause *f* of section 4, the exemption conferred by that clause may be claimed by a transferor if, at the time he claims the exemption, the person to whom the designated land is disposed of, has furnished to the transferor claiming the exemption the affidavit described in subsection 3 of section 4 of *The Land Transfer Tax Act*, 1974 showing that such person is not a non-resident person as defined in that Act. ^{When exemption may be claimed}

5. Subsection 4 of section 8 of the said Act is repealed and the following substituted therefor:

(4) The Minister may assess or reassess any tax payable by any person under this Act within four years from the day ^{Assessment from time to time}

such tax became payable except that, where the Minister establishes that any person liable to tax has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed any fraud in making any affidavits or applications or in supplying any information under this Act or in omitting to disclose any information, then the Minister may assess or reassess tax imposed by this Act at any time he considers reasonable.

s. 20 (2),
amended

- 6.—(1) Subsection 2 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 121, section 5, is amended by striking out “one-tenth thereof for each full twelve-month period up to a maximum of ten such periods” in the fourth, fifth and sixth lines and inserting in lieu thereof “ $1\frac{2}{3}$ per cent of such taxable value for each full month up to a maximum of sixty full months”.

s. 20 (3),
amended

- (2) Subsection 3 of the said section 20, as enacted by the Statutes of Ontario, 1974, chapter 121, section 5, is amended by striking out “one-tenth thereof for each full twelve-month period up to a maximum of ten such periods” in the seventh, eighth and ninth lines and inserting in lieu thereof “five-sixths of one per cent of such taxable value for each full month up to a maximum of 120 full months”.

s. 20,
amended

- (3) The said section 20 is further amended by adding thereto the following subsection:

Leased
farm
property

- (4) For the purposes of clause *b* of subsection 3, farming is deemed to have been carried on where the designated land was leased to a person who carried on farming on it and,

(a) the time during which such designated land was so leased does not exceed thirty-six months in the uninterrupted period of time determined in accordance with clauses *a*, *b*, and *c* of subsection 3; and

(b) not more than twenty-four of the months during which such designated land was so leased are comprised in the thirty-six months immediately preceding, and ending on, the day on which the disposition referred to in clause *a* of subsection 3 occurs.

s. 22a (2),
amended

7. Subsection 2 of section 22a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 121, section 7, is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”.

Commence-
ment

8. This Act shall be deemed to have come into force on the 20th day of April, 1977.

SECTION 6.—Subsection 1. This amendment reduces the period from ten to five years during which a property must be held as an investment property in order to qualify for exemption from tax and provides for the apportionment of the investment property tax reduction on a monthly basis rather than on an annual basis.

Subsection 2. This amendment provides for the apportionment of the farm property tax reduction on a monthly basis rather than on an annual basis.

Subsection 3. This amendment provides that the period during which the farm tax reduction may be earned under section 20 (3) of the Act will not be deemed to be interrupted where the land is leased for farming and the period of leasing is not greater than thirty-six months and where no more than twenty-four of those months are included in the last three years of the uninterrupted period.

SECTION 7. This amendment makes the use of the eligible disposition section permissive rather than mandatory.

9. This Act may be cited as *The Land Speculation Tax Amendment Act, 1977*. Short title

An Act to amend
The Land Speculation Tax Act, 1974

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Corporations Tax Act, 1972

THE HON. M. SCRIVENER
Minister of Revenue

EXPLANATORY NOTES

SECTION 1. This section adds clause *x* to subsection 1 of section 24 of the Act to permit the deduction from the income of oil and gas corporations of a resource allowance in respect of their oil and gas wells and oil sands operations.

SECTION 2. This section re-enacts subsections 1 and 2 of section 62 of the Act in order to allow the depletion allowance in respect of oil and gas corporations to be adjusted as a result of the resource allowance provided by the amendment to section 24 of the Act. Also the rate of depletion allowance will be stated in the regulations rather than in the Act. This amendment is complementary to the amendment in section 1.

BILL 50

1977

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Corporations Tax Act, 1972*, s. 24 (1),
being chapter 143, as amended by the Statutes of Ontario,
1973, chapter 157, section 5, 1974, chapter 75, section 3,
1975, chapter 17, section 8 and 1976, chapter 32, section 4,
is further amended by adding thereto the following clause:

(x) such amount as is allowed to the corporation by regulation in respect of oil or gas resources in Canada, as defined by regulation. ^{Resource allowance}

2. Subsections 1 and 2 of section 62 of the said Act, as re-enacted s. 62 (1, 2),
by the Statutes of Ontario, 1974, chapter 75, section 4, are
repealed and the following substituted therefor: ^{re-enacted}

(1) Except as otherwise provided in this section, there may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of, ^{Allowance for oil or gas well, mine or timber limit}

- (a) an oil or gas well, mineral resource or timber limit; or
- (b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

as is allowed by regulation.

(2) For greater certainty, it is hereby declared that, in the case of a regulation made under subsection 1, ^{Regulations}

- (a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 126 (2) (*b*),
re-enacted

3. Clause *b* of subsection 2 of section 126 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 42, section 11, is repealed and the following substituted therefor:

(*b*) its rest account and all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of Part II; and

ss. 131, 132,
re-enacted

4. Sections 131 and 132 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 42, sections 14 and 15, respectively, are repealed and the following substituted therefor:

Rate of
capital tax
on non-
banking
corporations

131.—(1) Except as provided in subsection 2, the tax payable under this Part by a corporation for a fiscal year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the "amount taxable", is three-tenths of 1 per cent of the amount taxable.

Rate of
capital tax
on banks

(2) The tax payable under this Part by a bank for a fiscal year calculated upon its taxable paid-up capital, in this subsection referred to as the "amount taxable", is three-fifths of 1 per cent of the amount taxable.

Deductions
from tax on
paid-up
capital

132.—(1) Except as provided in subsection 2, there may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to three-tenths of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, that is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

SECTION 3. This section re-enacts clause *b* of subsection 2 of section 126 of the Act to clarify the amount in respect of reserves that is to be included in the taxable paid-up capital of corporations that carry on the business of banking.

SECTION 4. This section re-enacts section 131 of the Act to increase by 50 per cent the rate of tax on taxable paid-up capital. For corporations other than banking corporations, the rate is increased to three-tenths of 1 per cent (previously one-fifth of 1 per cent), and for banking corporations the rate is increased to three-fifths of 1 per cent (previously two-fifths of 1 per cent).

The re-enactment of section 132 is complementary to the amendment to section 131.

SECTION 5. This section enacts a new section 133a of the Act to provide a flat rate of tax on the taxable paid-up capital, in the amount of \$50 where the taxable paid-up capital used in Ontario does not exceed \$50,000, and \$100 where the taxable paid-up capital used in Ontario exceeds \$50,000 but does not exceed \$100,000.

SECTION 6. This section re-enacts section 136 of the Act to make it clear that the apportionment allowed under that section does not apply to the \$50 minimum tax provided under section 133 of the Act.

(2) There may be deducted from the tax otherwise payable under this Part by a bank for a fiscal year an amount equal to three-fifths of 1 per cent of that portion of its taxable paid-up capital, that is deemed to be used by the bank in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations. ^{Idem}

5. The said Act is amended by adding thereto the following section: ^{s. 133a, enacted}

133a.—(1) Notwithstanding sections 131 and 132 and except as provided in subsections 1 and 2 of section 135, the tax payable under this Part shall be, ^{Flat rate tax}

(a) \$50, where the taxable paid-up capital used in Ontario does not exceed \$50,000; or

(b) \$100, where the taxable paid-up capital used in Ontario exceeds \$50,000 but does not exceed \$100,000.

(2) For the purposes of subsection 1, "taxable paid-up capital used in Ontario" means the taxable paid-up capital, or taxable paid-up capital employed in Canada, as the case may be, less that portion thereof that is deemed to be used by the corporation in the fiscal year in a jurisdiction outside Ontario determined under rules prescribed by the regulations. ^{Interpretation}

6. Section 136 of the said Act is repealed and the following substituted therefor: ^{s. 136, re-enacted}

136. Subject to section 133, where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under this Part shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply, ^{Apportionment of capital tax}

(a) to any corporation to which section 135 applies; or

(b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

- 7.—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent. ^{Commencement and application}

(2) Section 4 shall be deemed to have come into force on the 20th day of April, 1977 and applies to corporations ^{Idem}

in respect of all fiscal years ending after the 19th day of April, 1977, except that in determining the tax payable under Part III of the said Act, as amended by this Act, by a corporation in respect of which section 133a of the said Act is not applicable, for a fiscal year that ends after the 19th day of April, 1977 and that includes that day, the following rules apply,

- (a) determine the tax under Part III of the said Act, as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for a fiscal year that ends after the 19th day of April, 1977 and that includes that day;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year that follow the 19th day of April, 1977 bears to the total number of days of that fiscal year;
- (c) determine the tax that, but for the rules made applicable by this section, would be payable for the fiscal year that ends after the 19th day of April, 1977, and that includes that day, under Part III of the said Act, as that Part stood prior to the 20th day of April, 1977, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 20th day of April, 1977 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

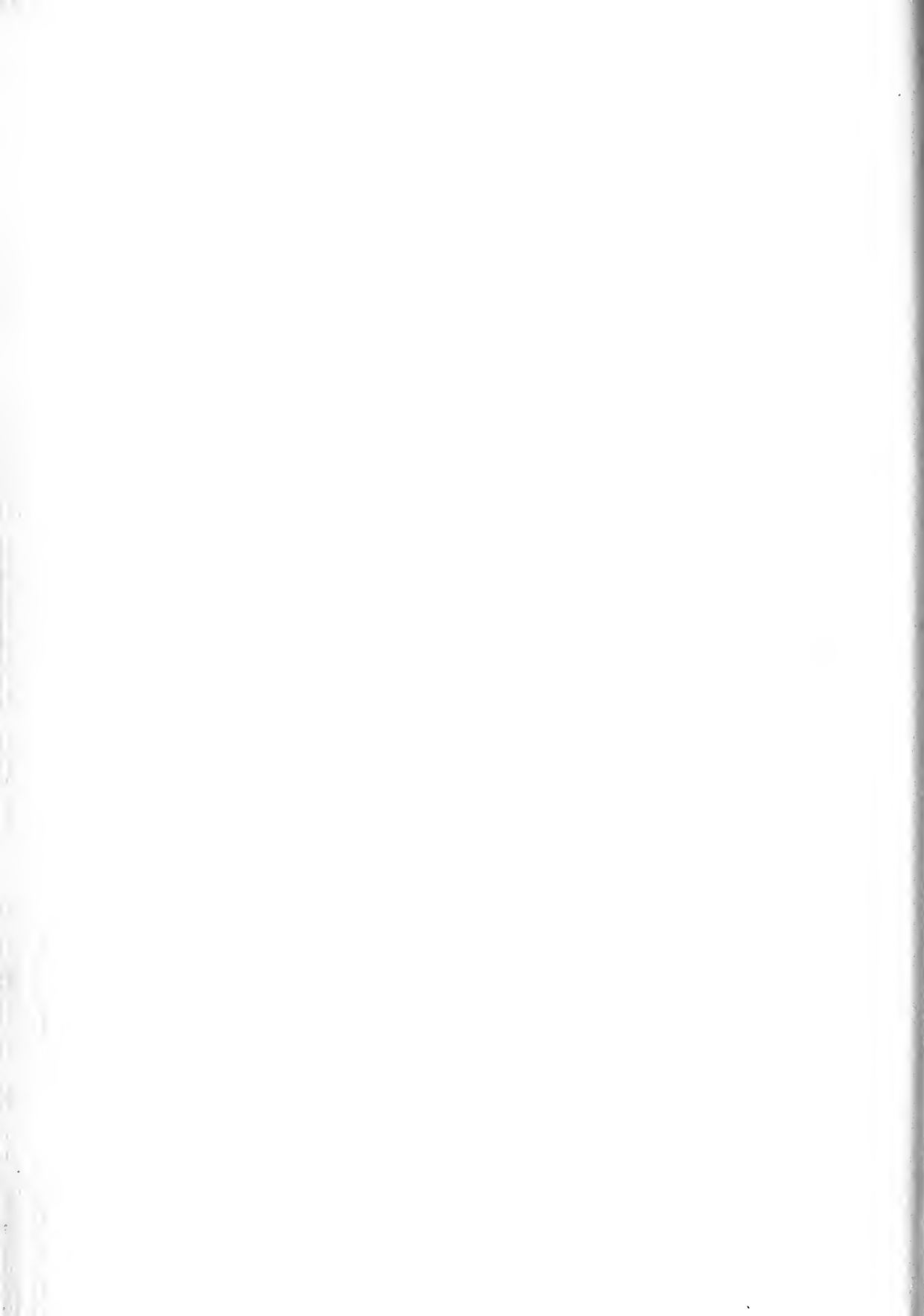
and the aggregate determined under clause *e* is the tax under Part III of the said Act, as amended by this Act, that is payable by the corporation for its fiscal year that ends after the 19th day of April, 1977 and that includes that day.

Idem

- (3) Section 5 shall be deemed to have come into force on the 20th day of April, 1977 and applies to corporations in respect of all fiscal years that end after the 19th day of April, 1977.

Short title

- 8. This Act may be cited as *The Corporations Tax Amendment Act, 1977*.





An Act to amend
The Corporations Tax Act, 1972

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Gift Tax Act, 1972

THE HON. M. SCRIVENER
Minister of Revenue

T O R O N T O

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EXPLANATORY NOTES

This Bill implements the proposal in the Treasurer's Budget to increase from \$5,000 to \$10,000 the exemption for gifts to individuals and to increase from \$25,000 to \$50,000 the aggregate amount of such gifts for which exemption may be claimed in a year. In addition, the Bill re-introduces, with slight modifications, the amendments proposed at the last session of the Legislature by Bill 134, which was not enacted before the session ended.

SECTION 1. The amendments proposed in this section are designed to bring definitions now in the Act into conformity with the definitions of child and common law wife contained in proposals made in *The Succession Law Reform Act, 1977* (Bill 8 now before the Legislature). The definitions do not literally correspond with those contained in Bill 8 because of the differences in purpose between that Bill and *The Gift Tax Act, 1972* and because the expressions are differently defined in different parts of Bill 8.

Paragraphs 5 and 24 of section 1 of *The Gift Tax Act, 1972* presently read as follows:

5. "common law wife" means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the making of a gift by a donor with whom she was residing, been publicly represented by the donor as his wife, and "common law husband" has a corresponding meaning;

.

24. "spouse" includes a common law wife or common law husband.

An Act to amend The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Gift Tax Act, 1972*, being chapter 12, ^{s. 1, amended} as amended by the Statutes of Ontario, 1973, chapter 165, section 1, is further amended by adding thereto the following paragraph:
 - 4a. “child” means a child born within or outside marriage, subject to sections 83 and 85 of *The Child Welfare Act* (which relates to the effect of adoption) and includes a person in respect of whom another has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in a foster home for valuable consideration by a person having lawful custody of him. ^{R.S.O. 1970, c. 64}
- (2) Paragraph 5 of the said section 1 is repealed and the ^{s. 1, par. 5, re-enacted} following substituted therefor:
 5. “common law spouse” means either of a man and a woman who, not being married to each other, have cohabited,
 - i. continuously for a period of not less than five years, or
 - ii. in a relationship of some permanence where there is a child born of whom they are the natural parents,
 and have so cohabited within the six months preceding the time at which a determination of their relationship is relevant for the purposes of this Act.

s. 1, par. 24,
re-enacted

- (3) Paragraph 24 of the said section 1 is repealed and the following substituted therefor:

24. "spouse" includes a common law spouse.

s. 2 (1) (a),
re-enacted

2. Clause *a* of subsection 1 of section 2 of the said Act is repealed the following substituted therefor:

- (a) persons are connected by blood relationship if one is a lineal descendant of the other or if one is the brother or sister of the other, and in determining any such descent or relationship, a person who is a child for the purposes of this Act shall be deemed to be legitimately born of the person or persons of whom he is a child for the purposes of this Act.

s. 6,
re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Promises
to pay as
consideration

6. For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money at a time in the future, at a rate of interest less than the rate of interest prescribed in the regulations, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations.

s. 10 (1),
amended

4. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 165, section 2, 1975, chapter 15, section 1 and 1976, chapter 11, section 1, is further amended by adding thereto the following clause:

- (ga) the value of any beneficial interest given by a donor to his spouse by way of a gift made by the creation of a settlement or the transfer of property to a trust, if such settlement or trust,

(i) is made in writing,

(ii) contains no provision by which any part of the settlement or trust can be revoked, altered or amended in any way by any person,

(iii) provides that, during the lifetime of the donor's spouse, all property or benefits received by the trustee or trustees as income of, or determined by the trustee or trustees to be income of, such settlement or trust shall be held for or paid to only the donor's spouse or such spouse's executors or administrators,

SECTION 2. The re-enactment of clause *a* is consequential on the definitions proposed in the amendments in section 1 of the Bill. The provisions of the Act that are to be replaced by this amendment read:

2.—(1) *For the purposes of this Act,*

(a) *persons are connected by blood relationship if one is a lineal descendant of the other or one is the brother or sister of the other;*

.

SECTION 3. The amendment clarifies the wording of section 6 so that promissory notes for non-arm's length transactions will be discounted only when the rate of interest provided for in that note is less than the rate prescribed by regulation, now 5 per cent per annum. The provision to be repealed reads as follows:

6. *For the purposes of this Act, where an individual makes a loan to, or disposes of property to, a person with whom he is not dealing at arm's length in consideration of a promise or covenant to pay money, with or without interest, at a time in the future, the value of the promise or covenant to pay shall be discounted at a rate of interest prescribed in the regulations.*

SECTION 4. The amendment will enable a donor to give to his spouse gifts exempt from tax by way of a trust or settlement. The Act presently denies exemption where a gift is made to a spouse by way of the creation of a settlement or the transfer of property to a trust. The exemption proposed in the amendment applies only to the value of the interest given to the spouse and only if the trust or settlement is in writing, is irrevocable, provides that all of the income earned by the trust during the lifetime of the spouse will belong to the spouse, and does not create interests in the property given in favour of unborn persons or persons whose interest is not absolutely vested in them. The value of any interest given to the beneficiary of a trust, other than the donor's spouse, will be liable to tax.

SECTION 5.—Subsection 1. The amendment increases from \$5,000 to \$10,000 the exemption for gifts to individuals otherwise than by way of trust, and increases from \$25,000 to \$50,000 the aggregate amount of the exemption for such gifts in any one year.

Subsection 1 of section 11 of the Act presently reads as follows:

(1) *In computing the taxable value of a gift, except a gift made by the creation of a settlement or the transfer of property to a trust, made by a donor in a year to a donee who is an individual, there may be deducted in the case of gifts made to persons, other than the spouse of the donor, the lesser of,*

(a) *the value of the gift; or*

(b) *the amount, if any, by which five thousand dollars exceeds the value of all other gifts, except gifts that are exempt from tax under this Act and gifts made by the creation of a settlement or the transfer of property to a trust, made by the donor to the donee in the year and before the time when the gift was made,*

but in any year not more than an aggregate of \$25,000 may be deducted under this section from the value of gifts made by the donor in that year.

Subsection 2. The amendment provides for the valuation of an interest other than the interest of the donor's spouse in a trust in which the interest of the donor's spouse is exempt under the amendment proposed in section 4 of this Bill.

SECTION 6. The amendment is consequential on amendments made in section 5 of the Bill. The repealed clause *b* reads:

(b) *a gift made to an individual having a value of not more than \$5,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$25,000,*

.

SECTION 7.—Subsection 1. The amendments proposed are consequential on the increased exemptions proposed in section 5 of the Bill.

Subsection 6 of section 34 of the Act presently reads as follows:

(6) *Where, for the purposes of calculating the taxable value of gifts made by a donor in a year, the donor has or is entitled, by virtue of subsection 1 of section 11, to deduct an aggregate of \$25,000, in determining the taxable value of a gift of the class described in subsection 1 of section 11 for the purpose of calculating the liability of the donee of the gift under subsection 1,*

(a) *the \$25,000 deduction minus any deduction mentioned therein, shall be apportioned pro rata among the donees of gifts of the class described in subsection 1 of section 11 made by the donor in that year on the basis of the total value of those gifts made to each donee except that not more than \$5,000 shall be apportioned to the gifts made to any one donee under this clause; and*

(b) *the taxable value of those gifts received by each donee shall be determined as the value of the gifts less the portion of the deduction apportioned to that donee.*

- (iv) immediately, absolutely and indefeasibly vests the whole beneficial interest given by the donor only in persons who are alive at the time of the gift and whose interest in such settlement or trust cannot thereafter be divested by the occurrence of any event provided for in such settlement or trust, and
- (v) contains and is subject to no discretion exercisable by any person for or in favour of any object or person other than the donor's spouse.

5.—(1) Subsection 1 of section 11 of the said Act, as amended ^{s. 11 (1), amended} by the Statutes of Ontario, 1973, chapter 165, section 3, and 1975, chapter 15, section 2, is further amended by striking out "five" in the eighth line, as inserted by the amendment of 1975, and inserting in lieu thereof "ten" and by striking out "\$25,000" in the fourteenth line, as inserted by the amendment of 1975, and inserting in lieu thereof "\$50,000".

(2) The said section 11 is amended by adding thereto the ^{s. 11, amended} following subsection:

(3) In computing the taxable value of a gift with respect to any part of which exemption is conferred by clause *ga* of section 10, that part of the value of the property given and to which exemption under clause *ga* of section 10 does not extend shall be determined without regard to the effect thereon of any discretion that is contained in the settlement or trust described in clause *ga* of section 10 or that may otherwise be exercised to make payments out of the property that is subject to such settlement or trust or to alter the interest of any person in such settlement or trust. ^{Computation of taxable value of gift}

6. Clause *b* of subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 15, section 3, is repealed and the following substituted therefor: ^{s. 18 (1) (b), re-enacted}

- (b) a gift made to an individual having a value of not more than \$10,000 if the aggregate value of gifts made to individuals by the donor in the year does not exceed \$50,000,

.

7.—(1) Subsection 6 of section 34 of the said Act, as amended ^{s. 34 (6), amended} by the Statutes of Ontario, 1975, chapter 15, section 4, is further amended by striking out "\$25,000" in the amendment of 1975 in the fourth line and in the amend-

ment of 1975 in the eighth line and inserting in lieu thereof in each instance "\$50,000" and by striking out "\$5,000" in the amendment of 1975 in the thirteenth line and inserting in lieu thereof "\$10,000".

s. 34,
amended

- (2) The said section 34 is amended by adding thereto the following subsection:

Non-resident
donees

(7) Notwithstanding subsection 1, where a donor fails to pay, as herein required, all or a portion of the tax payable by him on or in respect of gifts made by him in a year to a donee who is not a resident of Ontario at the time the gift was made, the property of such donee that is situate in Ontario at the time the gift was made, including any property in Ontario comprised in the gift to such donee, is liable for the payment to the Treasurer of Ontario of the same amount of tax as would be payable by the donee in accordance with this section if he were a resident of Ontario at the time the gift was made to him.

s. 47 (1),
re-enacted

8. Subsection 1 of section 47 of the said Act is repealed and the following substituted therefor:

Lien
on real
property

(1) Where tax, interest or penalties are payable by any person under this Act, or where any property is liable for the payment of any tax, interest or penalties payable under this Act, the Minister may file or cause to be filed in the proper land registry office a certificate of lien in prescribed form against real property belonging to such person, or against any real property liable for the payment of any tax, interest or penalties payable under this Act, and setting out a description of the real property and the amount of tax, interest or penalties for which such person or property is liable, and upon the certificate's being filed, the real property described therein is, to the extent of the interest therein of any person liable to pay any tax, interest or penalties under this Act or whose property in Ontario is liable for the payment thereof, subject to a lien in favour of the Crown for the amount owing, and such lien has priority over all interests in such real property, except interests and encumbrances filed prior to the registration of the certificate and entitled to priority over the Crown.

Enforcement
of lien

(1a) Upon the filing of the certificate referred to in subsection 1, the Minister may deliver to the sheriff of the county or district where the real property against which the certificate has been filed is situated, a warrant of execution issued by or on behalf of the Minister for the amount claimed in the certificate, together with interest accruing thereon under this Act and the costs and expenses of the sheriff, and such

Subsection 2. The subsection proposed to be added by the amendment will make the property in Ontario of those who receive gifts from a donor in Ontario but are not resident of Ontario liable to tax if the donor, on whom the primary liability for tax is imposed by the Act, does not pay the tax. The previous six subsections of section 34 impose a secondary liability for tax personally upon donees who are resident in Ontario at the time a gift is made to them. The new subsection, within the limits constitutionally imposed on the Province, extends the liability with respect to donees resident outside the Province, but the liability arises only where such donees have property within the Province.

SECTION 8. The re-enactment of subsection 1 of section 47 extends the lien now conferred by that subsection to real property in Ontario that belongs to a donee who is not resident in Ontario and whose property is, by the amendment proposed in section 7 (2) of this Bill, made liable to tax that the donor fails to pay. In addition, the wording of the proposed subsection has been changed to make it accord more precisely with the practice and procedure in Ontario. The new subsection 1a is intended to provide a method of realizing upon the lien created by subsection 1.

Section 47 (1) of the Act, before the amendments proposed here, reads as follows:

- (1) *Where tax, interest or penalties are payable by any person under this Act, the Minister may file or cause to be filed in the proper registry office or office of land titles, as the case may be, a certificate of lien in prescribed form against real property of which that person is the registered owner setting out a description of the real property and the amount of tax, interest and penalties owing by that person, and, upon the certificate being filed, the interest of that person in the land described therein is subject to a lien in favour of the Crown for the amount owing, subject to any other interests or encumbrances filed prior thereto, and the lien may be enforced in the same manner as a judgment of the Supreme Court in respect of which a certificate of judgment has been filed.*



warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown and shall entitle the Crown to payment in accordance with the priorities and preferences attaching to or resulting from the lien arising under subsection 1.

- 9.**—(1) This Act, except sections 1 to 6 and subsection 1 of section 7, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- (2) Sections 3, 4, 5, 6 and subsection 1 of section 7 shall be deemed to have come into force on the 1st day of January, 1977. ^{Idem}
- (3) Sections 1 and 2 come into force on a day, not earlier than the 1st day of September, 1977, to be named by proclamation of the Lieutenant Governor and such proclamation may be made before or after the 1st day of September, 1977. ^{Idem}
- 10.** This Act may be cited as *The Gift Tax Amendment Act, 1977*. ^{Short title}

BILL 31

An Act to amend
The Gift Tax Act, 1972

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Motor Vehicle Fuel Tax Act

THE HON. M. SCRIVENER
Minister of Revenue

EXPLANATORY NOTES

GENERAL

The amendments proposed in this Bill are intended to implement the proposal in the Treasurer's Budget expanding the requirement for registration of those who deal in middle distillate petroleum fuels. The classes of registrant, and their duties, for the implementation of this proposal will be introduced by regulation, the power to make which is proposed as one of the amendments in this Bill. In addition, the Bill proposes many administrative amendments to the Act for the collection of tax and to facilitate the operation of the expanded system of registration.

SECTION 1. The amendment re-enacts section 2 of the Act, which deals with registrants, clarifies the requirements of registration presently in the Act, extends the section to deal with registration required by regulation, provides for hearings before refusal, suspension or cancellation of registration, and proposes a more effective penalty for contravention of the requirement to register.

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Motor Vehicle Fuel Tax Act*, being chapter 282^{s. 2, re-enacted} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 10, section 1, is repealed and the following substituted therefor:

2.—(1) Unless he is a registrant, no person shall supply^{Persons required to register} fuel that is taxable or exempt from tax under this Act or the regulations to any person, except as authorized in writing by the Minister, and every person in the business of supplying fuel for any purpose shall register with the Minister as required by this section or the regulations.

(2) Unless he is a registrant or is specifically exempted by^{Idem} the regulations from the application of this subsection, no person shall receive fuel as a registrant.

(3) Where the Minister is satisfied that the applicant for^{Idem} a registration certificate will be acquiring fuel principally,

- (a) for resale by the applicant;
- (b) to be used by the applicant in a manner or for a purpose that will render such fuel exempt from tax by virtue of this Act or the regulations, or that will entitle the applicant to apply to the Minister for a full refund of the tax imposed by this Act on such fuel, and that the amount of fuel to be used by the applicant will generally exceed 75 gallons of fuel per month; or
- (c) to be disposed of or consumed by the applicant in a manner prescribed by the regulations for the purpose of this subsection,

the Minister may issue a registration certificate to such applicant, and the certificate may be made subject to such conditions and restrictions as the Minister considers necessary to ensure that fuel acquired by the applicant through his use of the certificate will be dealt with by the applicant in accordance with clause *a*, *b* or *c*, as the case may be.

Idem

(4) Every person required to be a registrant under this section or the regulations shall, by such form and in such manner as the Minister requires, apply for registration, and subject to this Act and the regulations, a registration certificate shall be issued by the Minister, and every such certificate shall expire on the 31st day of March next following the date of its issue, is not transferable, and may be renewed annually if the registrant to whom it is issued is not in contravention of this Act or the regulations and continues to satisfy the conditions under which the certificate is issued.

Refusal to
issue and
cancellation

(5) The Minister may refuse to issue a registration certificate to any applicant, or may suspend or cancel any registration certificate, if the person to whom the certificate is issued, or if an applicant to whom a certificate has been issued, contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon which his certificate is or was issued, but, subject to subsection 6, before any refusal, suspension or cancellation is made, the applicant or registrant, as the case may be, shall be afforded an opportunity, at a hearing before the Minister or some person authorized by the Minister to hold the hearing, to show cause why the issue of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, whichever is the case.

Idem

(6) Where a registrant has failed to remit the tax that he has collected under this Act or that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the registrant and without a hearing, suspend forthwith the registrant's certificate of registration, and the notice shall state the failure of the registrant for which his certificate is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the registrant's suspension should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of
notice

(7) The notice under subsection 6 and a notice of hearing under subsection 5 is properly served if served either by

SECTION 2. The amendment adds a subsection to provide that amounts paid in lieu of tax shall be treated as tax for the purposes of the Act.

SECTION 3. The reference to "a registrant" added by the amendment will avoid the technical commission of an offence under section 4 by a registrant who, by virtue of his being a registrant, may have fuel in his possession on which he is not required to pay tax under the Act and could not, therefore, as the section formerly stood, prove that tax had been paid.

SECTION 4. The amendments authorize the stopping of a motor vehicle. Without the amendment, section 4a only allows the detention of the vehicle, and the amendment will clarify that this includes the power to stop the vehicle as well as to detain it.

personal service or by registered mail sent to the last known address of the registrant or applicant, as the case may be.

(8) Every person who,

Offence

- (a) is required to become a registrant by this section or by the regulations and who fails to do so;
- (b) being a registrant, contravenes this Act or the regulations or any condition or restriction contained in his certificate of registration issued under this Act or the regulations; or
- (c) not being a registrant, supplies, disposes of, consumes or deals with any fuel in a manner that would require him to be a registrant under this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with this Act or the regulations, plus an additional amount of not less than \$100 and not more than \$2,000.

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 14, section 2 and 1972, chapter 147, section 2, is further amended by adding thereto the following subsection: ^{s. 3, amended}

(10) Where any person selling fuel receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act. ^{Amounts in lieu of tax}

3. Subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 3, is further amended by adding at the end thereof "or that he is a registrant". ^{s. 4(1), amended}

- 4.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 4, is amended by inserting after "may" in the sixth line "stop and". ^{s. 4a(1), amended}

s. 4a (2),
amended

- (2) Subsection 2 of the said section 4a is amended by inserting after "be" in the first line "stopped and".

s. 5,
amended

- 5.—(1) Section 5 of the said Act is amended by striking out "upon request therefor" in the second line.

s. 5,
amended

- (2) The said section 5 is further amended by adding thereto the following subsection:

Respon-
sibility of
purchaser

- (2) Upon the request of the Minister, every purchaser of fuel and every person in control of a motor vehicle that contains fuel shall furnish to the Minister proof that the fuel was purchased from a registrant or that tax has been paid on such fuel or that no tax was payable under this Act on such fuel.

s. 7 (2),
re-enacted

6. Subsection 2 of section 7 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 10, section 2, is repealed and the following substituted therefor:

Exception

- (2) No registrant shall collect the tax imposed by this Act on fuel supplied by him to a registrant, unless the fuel is supplied by delivering it directly into the fuel tank of a motor vehicle licensed or required to be licensed under *The Highway Traffic Act*, or unless the registrant to whom the fuel is supplied is required or permitted by this Act or the Minister to pay the tax imposed by this Act.

R.S.O. 1970,
c. 202

s. 10b (1),
amended

- 7.—(1) Subsection 1 of section 10b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 147, section 7, is amended by inserting after "in" in the second line "subsection 8 of section 2 or in".

s. 10b (2),
amended

- (2) Subsection 2 of the said section 10b is amended by inserting after "under" in the first line "subsection 8 of section 2 or under" and by inserting after "collected" in the sixth line and in the seventh line "or paid".

ss. 16a, 16b,
enacted

8. The said Act is amended by adding thereto the following sections:

Investi-
gations

- 16a.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter and examine any motor vehicle containing fuel or enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any books or records are or should be kept pursuant to this Act or the regulations, and may,

SECTION 5. The amendment in subsection 1 removes the provision that a seller of fuel was required to provide an invoice only when requested to do so. He will now be obliged to provide the invoice without a request being made. The amendment in subsection 2 makes it clear that a purchaser of fuel or the operator of a motor vehicle that consumes fuel must furnish to the Minister proof that the fuel was purchased from a registrant, that tax was paid on the fuel, or that no tax was payable.

SECTION 6. The amendment re-enacts subsection 2 as it was previously in force and adds an exception that will allow a registrant to collect the tax from another registrant where that registrant is required to pay tax (as he might be if he were a purchaser) or where the registrant is permitted to pay tax (as some registrants do for their own convenience).

SECTION 7. The amendments are consequential on the amendment made in section 1 of the Bill.

SECTION 8. The amendment adds two new sections to the Act, sections 16a and 16b. Section 16a adds to the Act investigation provisions that are common in the other revenue statutes of the Province. Section 16b will be required to implement the expanded registration system proposed in the Treasurer's Budget. That section will require the giving of certain information by those who carry fuel in bulk in Ontario, and provides for the detention of a carrier's truck until accurate information is given. The rapidity with which fuel can be transported throughout the Province, and the fact that fuel that is taxable when it is used in a motor vehicle is the same as fuel that is exempt from tax when it is used as heating oil make it necessary to obtain the information specified in the amendment to determine that fuel purchased exempt from tax is not subsequently being put to a use that attracts tax.



- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate either to the information that is or should be in the books or records or to the amount of tax that is or should be collected, payable or remitted under this Act or the regulations;
- (b) examine any fuel or motor vehicle or the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act or that should be remitted or collected under this Act or the regulations;
- (c) require a purchaser, retailer, wholesaler, importer, registrant or an operator of a motor vehicle liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such purchaser, retailer, wholesaler, importer, registrant or operator is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such purchaser, retailer, wholesaler, importer or registrant or in the motor vehicle of such operator to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer, registrant, or from the owner or operator of a motor vehicle, or if any of them is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof, ^{Idem}

(a) any information or a return as required under this Act or the regulations; or

(b) production or production on oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place, or any motor vehicle containing fuel, for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production
of evidence
to prove
tax payable
by another
person

(4) The Minister may, by registered letter or by a demand that is served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any purchaser or registrant, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(5) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing. ^{Compliance}

(7) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything that he is required by this section to do. ^{Idem}

(8) Every person who contravenes this section or who fails to provide any information or make any return requested under this section is guilty of an offence and on summary conviction is liable to a fine of \$50 for each day during which the offence continues. ^{Offence}

16b.—(1) Every person carrying fuel in a motor vehicle that is equipped to carry more than 40 gallons of fuel in a tank other than the fuel tank of the motor vehicle, and the operator of every such motor vehicle, shall, when requested by the Minister or any person authorized by the Minister, provide any or all of the following information, ^{Information on bulk shipments of fuel}

- (a) the name and address of any person from whom the fuel being carried was obtained, and the name and address of any person to whom the fuel so obtained was delivered or is to be delivered;
- (b) the quantity of fuel delivered or to be delivered to any person; or
- (c) the use or intended use, if known, to be made of any fuel delivered or to be delivered from such motor vehicle,

and where no written evidence substantiating such information is available at the time that the request is made, the person to whom the request is made shall orally supply the information and may be required to certify in writing any of such oral statements.

(2) Where the information required to be furnished by subsection 1 is not given, or where the information that is furnished is false, the motor vehicle may be detained by the Minister until the information is provided or until the true information is provided, and during any such detention, the Crown shall not be liable for any damages to the motor vehicle or to its owner or operator or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending the furnishing of the information required by subsection 1 or the furnishing of accurate information as required by subsection 1. ^{Detention of motor vehicle}

s. 21,
amended

9. Section 21 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 147, section 11 and 1975, chapter 10, section 7, is further amended by adding thereto the following subsections:

Idem

(2) The Lieutenant Governor in Council may make regulations establishing a system of registration for the purposes of this Act, and,

(a) requiring persons who buy, sell, deal in, consume or refine any fuel, including fuel for the heating of homes and buildings, to become registrants under this Act for the purpose of accounting for, collecting or facilitating the administration of the tax imposed by this Act;

(b) prescribing classes of registrants, the conditions and restrictions affecting any prescribed class of registrant, and the method of collecting or paying the tax imposed by this Act to be followed by any prescribed class of registrant;

(c) prescribing the information, returns and records to be given, made or kept by any registrant or class of registrants;

(d) requiring the registration of the operators of commercially-used motor vehicles that consume or carry fuel and that are not vehicles operated exclusively for pleasure or recreation;

(e) exempting any person or class of persons from the application of subsection 2 of section 2.

Idem

(3) The Minister may make regulations prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

Idem

(4) A regulation, other than a regulation made under subsection 2, is, if it so provides, effective with reference to a period before it was filed.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Motor Vehicle Fuel Tax Amendment Act, 1977*.

SECTION 9. The subsections added by the amendment will empower the Lieutenant Governor in Council, by subsection 2, to make regulations implementing the system of expanded registration proposed by the Treasurer for the control of middle distillate fuels. The new subsection 3 will, as in other revenue statutes of the Province, enable the Minister to prescribe forms necessary for the Act or regulations, and subsection 4 will permit regulations to have retrospective effect, except for the regulations to implement the system of expanded registration.

BILL 52

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to impose a Tax on Certain Pollutants of
the Environment in Ontario**

THE HON. M. SCRIVENER
Minister of Revenue

EXPLANATORY NOTE

As proposed in the Treasurer's Budget, the Bill imposes on the consumer of canned, carbonated soft drinks in Ontario a tax of 5 cents on each canned, carbonated soft drink purchased. The tax is to be collected by those who fill the cans with carbonated soft drinks in Ontario or who import canned, carbonated soft drinks into Ontario. As stated in the Treasurer's Budget, the revenue from this tax is intended to assist the funding of major environmental projects and the construction and operation by municipalities or community organizations of collection depots and recycling or reclamation facilities.

In addition to providing for the imposition and collection of the tax on the consumer of a canned, carbonated soft drink, the Bill will also provide the administrative provisions usual in other revenue statutes of the Province.

BILL 53

1977

An Act to impose a Tax on Certain Pollutants of the Environment in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "assessment" includes a reassessment;
- (b) "can" means a container prescribed for the purpose of this Act or any closed metal container in which soft drinks are packaged to be sold at a retail sale, and "canned" has a corresponding meaning;
- (c) "consumer" means a person who himself or through another purchases, acquires or produces a canned soft drink anywhere,
 - (i) for his consumption in Ontario of the soft drink therein contained,
 - (ii) for the purpose of consumption in Ontario by others at his expense of the soft drink therein contained, or
 - (iii) for the purpose of removing the soft drink from the can in Ontario and of selling or giving the soft drink to others to consume;
- (d) "consumption", with respect to a canned soft drink, means the utilizing in Ontario by a consumer of a canned soft drink for the purpose of the consuming or using up in any manner of the soft drink therein contained;
- (e) "collector" means a person who, whether for himself or as agent for another or in partnership or association with others,

- (i) carries on in Ontario the business of putting soft drinks into cans for the purpose of selling canned soft drinks to others for resale or consumption,
 - (ii) brings, or causes to be brought, into Ontario canned soft drinks for the purpose of selling them to others for resale or consumption, or
 - (iii) requests the Minister to make him a collector and whom the Minister consents to appoint as a collector;
- (f) "Minister" means the Minister of Revenue and "Ministry" has a corresponding meaning;
 - (g) "person" means an individual, a corporation, a trust, or any association of any of them and of whatsoever kind acting in concert;
 - (h) "prescribed" means prescribed by regulations;
 - (i) "regulations" means the regulations made under this Act;
 - (j) "retail sale", with respect to canned soft drinks, means a sale to a consumer for the purpose of consumption and not for resale;
 - (k) "sale", with respect to canned soft drinks, means any transfer of title or possession thereof that is made for a price or other consideration that is payable or given before, at or after such transfer and whether such price or consideration is given in full, in instalments or on credit extended by the seller;
 - (l) "soft drink" means any non-alcoholic carbonated beverage prescribed for the purpose of this clause, or any non-alcoholic carbonated beverage made of fruit juice, flavouring, sweetening, soda water, sparkling water or mineral water or any combination of any of them as the principal ingredients thereof;
 - (m) "tax guarantee" means the sum of five cents for each canned soft drink as required to be collected and paid by this Act or the regulations as a security for, and guarantee of, the collection of the tax imposed by this Act and the due compliance with this Act and the regulations of those who are agents of the Minister;

- (n) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2.—(1) Every consumer of a canned soft drink shall, ^{Tax imposed} as required by subsections 2 and 5, pay to Her Majesty in right of Ontario for the uses of Ontario a tax of five cents on each canned soft drink with respect to the consumption thereof.

(2) Where a canned soft drink is acquired at a retail sale ^{When tax payable} in Ontario, the consumer shall pay the tax imposed by subsection 1 at the time of such sale, and where a canned soft drink is purchased outside Ontario and is brought into Ontario for consumption in Ontario by the purchaser, the tax imposed by subsection 1 is payable on the day the canned soft drink is brought into Ontario and shall be remitted to the Minister within twenty days thereafter.

(3) The tax imposed by subsection 1 is payable in addition ^{Tax to be separate} to any other tax payable on or with respect to the sale or consumption of a canned soft drink, and every person on whom tax is imposed by this Act remains liable therefor until the tax is paid.

(4) Every person who sells a canned soft drink at a retail ^{Collection of tax} sale in Ontario is an agent of the Minister for the collection of the tax imposed by this Act, is accountable to the Minister for the failure to collect such tax, and shall collect the tax and account for it in accordance with this Act and the regulations, and if such person collects more tax than is required to reimburse him for the tax guarantee paid by him on his purchase of the canned soft drinks that he sells, such excess shall be remitted to the Minister by the end of the month in which it is collected or at such other time as is prescribed by the Minister.

(5) Every collector who is a consumer of any canned soft ^{Collector as consumer or retailer} drink in Ontario that he has not purchased at a retail sale in Ontario, and every collector who sells any canned soft drink at a retail sale thereof in Ontario, shall, as the case requires, remit to the Minister the tax payable by such collector in respect of his consumption of any canned soft drink, or collect from the consumer of any canned soft drink purchased at a retail sale in Ontario made by the collector the tax imposed by this Act, and such tax so collected shall be remitted to the Minister by the end of the month in which it becomes payable or is collected, as the case may be, or at such other time as is prescribed by the Minister.

Guarantee to
secure tax
collection

3.—(1) Every purchaser of any canned soft drink at a sale in Ontario that is neither a retail sale nor a sale with respect to which a certificate under subsection 3 is given by the purchaser shall pay to the seller at such sale a tax guarantee calculated on the number of canned soft drinks so purchased, and every person selling any canned soft drink at a sale in Ontario that is neither a retail sale nor a sale with respect to which a certificate under subsection 3 is given by the purchaser shall, as agent of the Minister, collect the tax guarantee required to be paid by the purchaser, and shall deal with the tax guarantee in accordance with this Act and the regulations.

Tax
guarantee
to be term
of sale

(2) Every oral or written agreement or contract of sale with respect to which a tax guarantee is required to be paid under subsection 1 shall be deemed at law and in equity to contain a term (which may not be waived, revoked or cancelled by the parties thereto) that the tax guarantee required to be paid under subsection 1 shall be paid by the purchaser to the seller at the time of the sale and as part of the terms thereof.

Certificate
in lieu of
guarantee

(3) Any person holding a valid and subsisting certificate of registration issued under section 6 and purchasing in Ontario any canned soft drink to be sold by him outside Ontario may, in lieu of paying the tax guarantee required by subsection 1, certify in writing signed by him or on his behalf and containing the number of his certificate of registration issued under section 6 that the canned soft drinks being purchased are purchased for sale outside Ontario, and upon receiving such certification, the seller, unless he has reasonable cause to believe that the certification is false or incorrect, may sell the canned soft drinks referred to in the certificate under this section without collecting the tax guarantee.

Remittance
of tax
guarantee

(4) Every person who brings, or causes to be brought, into Ontario canned soft drinks for the purpose of selling them to others for resale or consumption shall, on the day after the day the canned soft drinks are brought into Ontario or at such other time and in such other manner as may be prescribed by the Minister, remit to the Minister a tax guarantee calculated with respect to such canned soft drinks and a statement of the number of such canned soft drinks brought into Ontario and such other information as is required by the Minister to be contained in the statement.

Collector's
return and
remittance

(5) Subject to subsection 4, every collector shall, in such manner and at such time or times as may be prescribed by the Minister, send to the Minister a return showing such information as is prescribed by the Minister, and shall remit

to the Minister with the return the amount of any tax guarantee collected by the collector in the period covered by the return, except such amounts as may properly be applied by the collector in accordance with subsection 6 to indemnify and reimburse himself for the amount of any tax guarantee paid by him in accordance with subsection 4.

(6) Where any person sells in Ontario any canned soft drink with respect to which, either at the time of his purchase thereof or in accordance with subsection 4, he paid a tax guarantee he shall, ^{Application of tax guarantee}

- (a) where the sale is neither a retail sale nor a sale with respect to which a certificate under subsection 3 is given, apply the tax guarantee that he collects on such sale to indemnify and reimburse himself for the tax guarantee paid by him on his purchase of the canned soft drinks or in accordance with subsection 4, and if he collects a tax guarantee in excess of that paid by him in accordance with subsection 4 or on his purchase of the canned soft drinks being sold, such excess shall be remitted to the Minister by the end of the month in which it is collected or at such other time as is prescribed by the Minister; or
- (b) where the sale is a retail sale, collect from the consumer the tax imposed by this Act with respect to the canned soft drinks being sold, and apply such tax to indemnify and reimburse himself for the tax guarantee paid by him in accordance with subsection 4 or on his purchase of the canned soft drinks; or
- (c) where the sale is a sale with respect to which a certificate under subsection 3 is given, apply in the manner and time prescribed by the Minister for a refund of the tax guarantee paid by him in accordance with subsection 4 or on his purchase of the canned soft drinks so sold.

(7) Every person who collects or is required to pay a tax guarantee under this Act is an agent of the Minister for the purpose of collecting or paying such tax guarantee and of dealing with it as required by this Act or the regulations, and such person is liable to account to the Minister for any failure to pay, collect or deal with the tax guarantee as required by this Act or the regulations. ^{Idem}

(8) Every collector is an agent of the Minister for the collection of the tax guarantee that he is required to collect ^{Duties of collector}

and for the remittance of such guarantee to the Minister as required by this Act or the regulations, and until such remittance is made, an amount equal to the amount of any tax guarantee collected and not remitted shall be deemed to be held in trust for the Crown by the person who collected it and shall not be dealt with except in accordance with this Act or the regulations, and the amount deemed to be held in trust vests in the Crown upon the receipt by the collector of the tax guarantee that such amount represents and may not be assigned, attached, seized or appropriated by any person other than the Crown.

Tax
guarantee
not to bear
interest

(9) No interest is payable by the Crown with respect to any tax guarantee paid by any person.

Deposit on
unsecured
inventory

4.—(1) As at the close of business on the 31st day of May, 1977, every person (other than a person who is a collector within the meaning of subclause i of clause e of section 1 and is registered with the Minister under section 6) having in his possession any canned soft drink for sale or intended sale shall take a full and accurate inventory of the number of canned soft drinks in his possession and shall send to the Minister by the 30th day of June, 1977, or by such other date as may be prescribed by the Minister, a report setting out the number of canned soft drinks in his possession, the quantity of such canned soft drinks that he intends to export out of Ontario, and such other information as the Minister requires to be reported.

Idem

(2) Every person who is required by subsection 1 to make a report of his inventory of canned soft drinks shall remit to the Minister with the report required by subsection 1 a tax guarantee calculated with respect to every canned soft drink in his possession for sale or intended sale in Ontario.

Payments to
Treasurer

5.—(1) Where any payment required by this Act or the regulations to be remitted to the Minister is made by cheque or other bill of exchange or instrument, such cheque or other bill of exchange or instrument shall be made payable to the Treasurer of Ontario and a valid receipt for any such payment, including payments made in cash, may be given by the Minister or by any authorized person employed in the Ministry.

Payments
in lieu
of tax

(2) Where any person selling canned soft drinks receives any payment made as or in lieu of the tax or tax guarantee payable under this Act, such payment shall be dealt with and accounted for as tax or a tax guarantee payable under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations

is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax or tax guarantee payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax or tax guarantee payable under this Act.

(3) No person made an agent of the Minister under this Act or the regulations shall thus be made ineligible as a member of the Assembly. Member of
Assembly

6.—(1) Every collector shall, on or before the later of either, Registration
of collectors

(a) the 16th day of May, 1977; or

(b) any day after the 16th day of May, 1977 on which he becomes a collector within the meaning of clause *e* of section 1,

apply to the Minister in writing or by such form as the Minister requires for registration as a collector under this Act.

(2) Every person who, in the normal course of his business, sells canned soft drinks at a retail sale in Ontario and who does not hold a valid and subsisting permit issued under section 3 of *The Retail Sales Tax Act* shall, on or before the later of either, Registration
of certain
retailers

R.S.O. 1970,
c. 415

(a) the 16th day of May, 1977; or

(b) any day after the 16th day of May, 1977 on which he commenced to sell, as part of the normal course of his business, canned soft drinks at a retail sale or sales in Ontario,

apply to the Minister in writing or by such form as the Minister requires for registration as a retail seller of canned soft drinks.

(3) Every person who, in the normal course of his business, produces or purchases canned soft drinks in Ontario for shipment out of Ontario and who is not required to register with the Minister under subsection 1 or 2 shall, on or before the later of either, Registration
of exporters

(a) the 16th day of May, 1977; or

- (b) any day after the 16th day of May, 1977 on which he commences to ship canned soft drinks out of Ontario,

apply to the Minister in writing or by such form as the Minister requires for registration as an exporter of canned soft drinks.

Certificate of
registration

(4) Subject to such terms and conditions for registration as may be prescribed, the Minister shall issue to every person who is required to apply for registration under this Act, who fulfills the prescribed terms and conditions, and who has applied for registration a certificate evidencing the registration and valid until the 31st day of March next following the date of issue thereof, and subject to the person's continued fulfillment of the prescribed conditions, the Minister shall renew the certificate annually upon application for such renewal.

Unregistered
sellers

(5) No person who is required to be registered under this Act or the regulations shall, unless he holds a valid and subsisting registration certificate under this Act, sell in Ontario any canned soft drink, and where any person required to be registered under this Act or the regulations sells in Ontario any canned soft drink when he does not hold a valid and subsisting registration certificate under this Act, the Minister, in addition to any other penalty or remedy that may be imposed or exercised under this Act, may apply to the Supreme Court for, and the court may grant, an injunction prohibiting such person from selling any canned soft drink contrary to this Act or the regulations.

Suspension
or cancel-
lation of
registration
R.S.O. 1970,
c. 415

(6) Where any person who is registered under this Act or the regulations or who holds a valid and subsisting permit issued under section 3 of *The Retail Sales Tax Act* negligently or wilfully contravenes any provision of this Act or the regulations, the Minister may, after a hearing at which such contravention is established, cancel or suspend such person's registration under this Act or his permit issued under section 3 of *The Retail Sales Tax Act*, as the case may be, or may continue such registration or permit for the period during which conditions that are accepted at the hearing by the person continue to be performed.

Immediate
suspension

(7) Notwithstanding subsection 6, where a collector has failed to remit, as required by this Act or the regulations, the amount of any tax guarantee or tax collected or payable by him, the Minister may, by notice in writing to the collector and without a hearing, suspend forthwith the registration of the collector under this Act, and the notice shall state the

failure of the collector for which his registration is suspended and the Minister shall, within fifteen days of service of such notice, hold a hearing to determine whether the suspension should be rescinded or whether the collector's registration under this Act should be cancelled or continued only during such period as conditions accepted by the collector at the hearing are performed.

(8) The notice of a hearing under subsection 6 or 7, and the notice of suspension under subsection 7 is properly served if served either personally or by registered mail sent to the last known address of the person to whom the notice is to be given. ^{Service of notice}

7.—(1) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, the Minister may refund such amount if, within two years following the date of payment of such amount, an application for the refund is made to the Minister and it is established within such two years to the satisfaction of the Minister that the amount sought to be refunded was not payable as tax under this Act. ^{Refund of tax}

(2) Where, within two years of his payment of a tax guarantee, a person applies to the Minister and establishes to the satisfaction of the Minister that the canned soft drinks with respect to which the tax guarantee was paid, ^{Refund of tax guarantee}

- (a) were exported out of Ontario by the applicant to be sold outside Ontario by him, and were so sold; or
- (b) were lost, stolen or destroyed before they were sold by the applicant, and that full recovery or indemnity for the tax guarantee cannot be, and has not been, obtained by the applicant,

the Minister may refund to the applicant the tax guarantee paid by him with respect to such canned soft drinks or refund to the applicant the amount of such tax guarantee for which recovery or indemnity cannot be, and has not been, obtained by the applicant,

(3) Where tax or a tax guarantee has been paid by a purchaser with respect to canned soft drinks, the purchase price of which is fully refunded to him by reason of any defect in or damage to the canned soft drinks that rendered them unfit for sale or consumption by the purchaser, or by reason of the return of the canned soft drinks by the purchaser for some other reason acceptable to the seller to whom they ^{Idem}

are returned, the seller may, for those canned soft drinks the purchase price of which he has refunded in full to the purchaser, also refund to the purchaser any tax or tax guarantee paid to the seller by the purchaser with respect to those canned soft drinks, and the seller may, within two years after the refund of that tax or tax guarantee to the purchaser and if the seller has not received a refund of the tax guarantee from some other seller, apply to the Minister for a refund of the tax guarantee that was paid by the seller on his purchase of those canned soft drinks, and the Minister may make the refund applied for where the Minister is satisfied that the refund made by the purchaser to the seller was made in good faith and that a tax or tax guarantee was paid with respect to the canned soft drinks by the purchaser and a tax guarantee paid by the seller and that the seller has not received and will not receive a refund of the tax guarantee from some other person, and the payment of such tax or tax guarantees and the payment and refund of the purchase price of the canned soft drinks shall be established by invoices, receipts and such other evidence as the Minister may require before making the refund applied for.

Exception

(4) Where, as the result of,

- (a) any assessment under this Act;
- (b) any decision of the Minister following a notice of objection served under this Act; or
- (c) the final decision of a court in proceedings commenced under this Act,

it is shown that an overpayment of the tax or tax guarantee payable under this Act has been made, the amount of such overpayment shall be refunded to the person who paid it notwithstanding any limitation contained in subsection 1, 2 or 3.

Recovery
of excess
refund

(5) Any amount refunded under this Act or the regulations in excess of the amount to which the person receiving the refund is entitled may be recovered by the Minister as though the amount were tax payable under this Act, and the provisions of this Act relating to assessment (including objection and appeal therefrom) and collection of tax apply *mutatis mutandis* to the said amount.

Interest
on unpaid
amounts

8.—(1) Any amount that is payable or to be remitted as tax or a tax guarantee under this Act or the regulations, or that is payable as a penalty imposed under this Act otherwise than a penalty imposed as the result of a prosecution for an

offence under this Act, bears interest at the rate prescribed and from the day on which the amount should have been paid or remitted to the day of payment.

(2) Any payment, other than the payment of a fine, to the Treasurer under this Act shall first be applied to any interest payable by the person making the payment or on whose account the payment is made. ^{Payment first applied to interest}

(3) Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable by any person under this Act be paid, the Minister may exempt a person from payment of the whole or any part of such interest. ^{Relief from interest}

9.—(1) The Minister may, at any time he considers reasonable, assess or reassess, ^{Assessment}

- (a) any tax that any person, as agent of the Minister, has collected and not remitted, and the interest or any penalty with respect thereto; or
- (b) any tax or tax guarantee payable by any person that has not been paid or applied as required by this Act or the regulations, and the interest or any penalty with respect thereto.

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any consumer or collector, of any person required to register with the Minister under section 6, or of any person producing or selling canned soft drinks that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall, in such manner and form and by such procedure as the Minister considers adequate and expedient, calculate the amount of any tax or tax guarantee that has not been paid or applied in accordance with this Act or the regulations, and the Minister may assess such person for such amount and for the interest or any penalty payable with respect thereto. ^{Assessment on inspection}

(3) Every person who has failed to collect, or who has failed to pay or to remit to the Minister, the tax or tax guarantee that he is responsible to collect or pay or remit under this Act or the regulations shall, when assessed therefor, pay a penalty equal to the amount of the tax or tax guarantee that he failed to collect or pay or remit but no penalty under this subsection shall be imposed with respect to tax or a tax guarantee that should have been collected, paid or remitted more than three years immediately preceding the day of the assessment therefor unless the ^{Penalty}

Minister establishes that the person assessed has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under this Act or the regulations or in omitting to disclose any information.

Limitation

(4) An assessment or reassessment made under subsection 1 or 2 shall be made within four years of the day the tax became payable or, in the case of a tax guarantee, within four years of the day the tax guarantee became payable or was not applied in accordance with this Act or the regulations, except that, where the Minister establishes that the person assessed has made any misrepresentation that is attributable to neglect, carelessness or wilful default,* or has committed any fraud, in making a return or in supplying any information under this Act or the regulations or in omitting to disclose any information, then the Minister may, at any time he considers reasonable, assess or reassess any tax or tax guarantee payable under this Act or the regulations or that has not been applied in accordance with this Act or the regulations.

**Erroneous
refunds**

(5) The Minister may assess any person who has received a refund under this Act or the regulations and who is not entitled to such refund, and such assessment shall be for the amount of the refund to which the person is not entitled and shall be accompanied by a brief statement in writing of the grounds upon which the person assessed is claimed not to be entitled to the amount claimed in the assessment.

**Disallowance
of refund**

(6) Where a person has, in accordance with this Act or the regulations, applied for a refund under this Act or the regulations, and his claim is in whole or in part refused, the Minister shall cause to be served on such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor.

**Notice
of service**

(7) Where the Minister has made an assessment under this section or has issued a statement of disallowance, he shall deliver a notice of assessment or the statement of disallowance by personal service or shall send such notice of assessment or statement of disallowance by mail or registered mail to the person so assessed or to whom the statement of disallowance is issued at such person's last known address, or where such person has more than one address one of which is in Ontario, the notice or statement shall be sent to his address in Ontario, and the amount of any assessment shall, subject to subsection 8, be remitted to the Minister

by the person assessed within thirty days from the date of personal service or mailing of the notice of assessment.

(8) Where the Minister has made an assessment under ^{Idem} this section, the notice of assessment may provide that the amount assessed is payable forthwith.

(9) Liability for tax or a tax guarantee payable under this Act or the regulations is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. ^{Continuation of liability for tax}

(10) The Minister is not bound by a return or by any information delivered by or on behalf of any person under this Act or the regulations, and may, notwithstanding that any return or information has been delivered, assess the tax or tax guarantee payable under this Act. ^{Minister not bound by returns}

(11) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. ^{Assessment valid and binding}

(12) The amount of any assessment is payable within the time required by the notice of assessment whether or not an objection or appeal from the assessment is made or taken. ^{Idem}

10.—(1) Where a person objects to an assessment made against him or a statement served on him under section 9, he may, within ninety days of the day of mailing of the statement or notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. ^{Notice of objection}

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. ^{Service}

(3) Upon receipt of the notice of objection, the Minister shall, with all due dispatch, reconsider the assessment or statement objected to and vacate, confirm or vary the assessment or statement, or serve a fresh statement, and he shall thereupon notify the person making the objection of his action by registered letter. ^{Reconsideration}

11.—(1) After the Minister has given the notification required by subsection 3 of section 10, a person who has served notice of objection under section 10 may appeal to ^{Appeal}

the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 10 and an appeal under this section shall not be made to the Divisional Court.

Appeal, how
instituted

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or with the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

Service

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Content of
notice of
appeal

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

Reply to
notice of
appeal

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due dispatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Matter
deemed
action

(6) Upon the filing of the material referred to in subsection 5, the matter shall be deemed to be an action in the court.

Disposition
of appeal

(7) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

(ii) varying the assessment,

(iii) restoring the original assessment, or

(iv) referring the assessment back to the Minister for reconsideration and reassessment.

(8) The court may, in delivering judgment disposing of an appeal, order payment or refund of any tax or tax guarantee by the appellant or by the Treasurer, as the case may be, and may make such order as to cost as is considered proper. Idem

(9) The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under subsection 6, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. Procedure

(10) No assessment shall be vacated or varied on appeal by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act. Irregularities

(11) The time within which a notice of objection under subsection 1 of section 10 or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be. Extension of time

12.—(1) Upon default of payment of an amount assessed under section 9, Recovery of amounts payable

- (a) the Minister may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; or
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount assessed against him under section 9 and owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court on a judgment in favour of the Crown.

Compliance
to be
proved by
affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act or the regulations as well as the failure of any person to comply therewith shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry.

Remedies
for recovery
of amounts
owing

(3) The use of any of the remedies provided by this Act does not bar or affect any of the other remedies herein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any amount payable under this Act or the regulations are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty in right of Ontario.

Garnishment

13.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance to the Treasurer or the Minister under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance to the Treasurer or the Minister under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance to the Treasurer or to the Minister under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

(5) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance to the Treasurer or to the Minister under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(6) Subject to the provisions of *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment
of wages
R.S.O. 1970,
c. 486

(7) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure
to remit

14.—(1) In this section, "accountable person" means any person who is a collector, an agent of the Minister under this Act, a consumer, a person required to register with the Minister under section 6, or a manufacturer or distributor of cans.

Definition

(2) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises where any business is carried on by an accountable person, where any can or canned soft drink is kept, or where anything is done in connection with any such business or where any books or records of any accountable person are or should be kept, and may,

Investi-
gations

- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams, or other documents that relate or may relate to the sale of any canned soft drink, the manufacture or distribution of cans, or to the amount of tax or of any tax guarantee payable under this Act;

- (b) examine any cans or canned soft drink or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of any information that was or should have been furnished to the Minister or the amount of any tax or tax guarantee payable under this Act;
- (c) require any accountable person, or if such accountable person is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such accountable person to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person or any accountable person to attend at the premises with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any accountable person, or if such accountable person is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information concerning cans or canned soft drinks or the sale or distribution thereof; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents or information,

within such reasonable time as is stipulated therein.

Idem

(4) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay

any amount to an accountable person, other than a manufacturer or distributor of cans, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents or information within such reasonable time as is stipulated therein.

(5) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing an officer of the Ministry, together with such members of the Ontario Provincial Police force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. ^{Idem}

(6) The Minister may, by registered letter or by a demand served personally, require the production under oath or otherwise by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax or tax guarantee, if any, is or may be payable and what person is responsible for its payment, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. ^{Documents to prove liability to tax or tax guarantee}

(7) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way. ^{Copies}

(8) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing. ^{Compliance}

Idem

(9) Notwithstanding any other law to the contrary, every person and every accountable person shall, unless he is unable to do so, do everything he is required by this section to do.

Adminis-
tration of
oaths

(10) Declarations or affidavits in connection with statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Offence

15.—(1) Every person who wilfully contravenes or negligently fails to comply with any provision of this Act or the regulations or who, without lawful excuse, refuses to furnish to the Minister any information, statement, return or report required by or under this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of,

(a) not less than \$50 for each of the first five days during which the offence continues and \$100 for each day thereafter during which the offence continues; and

(b) not more than \$5,000.

Idem

(2) Every person who is required to remit to the Minister any tax or tax guarantee payable under this Act and who fails to remit the tax or tax guarantee is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and an additional amount of not less than the tax or tax guarantee, as determined under subsection 3, that should have been remitted.

Certificate

(3) The Minister shall determine the amount of the tax or tax guarantee referred to in subsection 2 from such information as is available to him, and shall issue a certificate as to the amount, but except where the Minister considers that there has been deliberate evasion of this Act or the regulations, he shall not take into account a period of more than three years in determining the amount of the tax or tax guarantee referred to in the certificate.

Proof of
certificate

(4) In any prosecution under subsection 2, a certificate that is signed or that purports to be signed by the Minister or by the Deputy Minister of Revenue and that states the amount of tax is *prima facie* evidence of the amount of the tax or tax guarantee referred to in subsection 2 and of the authority of the person giving or making the certificate without any proof of appointment or signature.

(5) Every person who contravenes section 14 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues. ^{Contravening s. 14}

(6) Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$25 and not more than \$200, and for any subsequent offence to a fine of not less than \$100 and not more than \$1,000. ^{General}

(7) Every person who has, ^{Offences}

- (a) knowingly made, participated in, assented to or acquiesced in the making of false or deceptive statements required by or under this Act or the regulations;
- (b) to evade payment of the tax or tax guarantee payable under this Act, destroyed, altered, mutilated, secreted or otherwise disposed of any record, document or thing; or
- (c) wilfully, in any manner, evaded or attempted to evade compliance with this Act or the payment of the tax or tax guarantee payable under this Act or the regulations,

is guilty of an offence and on summary conviction, in addition to any penalty otherwise provided by this Act, is liable to a fine of not less than \$200 and not more than an amount equal to double the amount of the tax or tax guarantee that should have been remitted or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

16.—(1) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. ^{Information for more than one offence}

(2) Neither the application of any provision of section 15 or this section nor the enforcement of any penalty under this Act suspends or affects any remedy for the recovery of any tax or tax guarantee payable under this Act or the regulations. ^{Tax not affected}

(3) Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or partici- ^{Offences by officers of corporations}

pated in the commission of an act or the omission to do anything that is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Limitation

(4) An information in respect of an offence under this Act shall be laid within six years of the time when the matter of the information arose.

Default
in paying
fine

(5) Where a fine provided for in this Act is imposed on any person as the result of his conviction for the commission of an offence against this Act, a sentence of imprisonment for not more than one year in default of payment of the fine may also be imposed on such person.

Communica-
tion of
information

17.—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

- (a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Officials not
compellable
as witnesses

(2) Notwithstanding any other Act, but subject to subsection 3, no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Exceptions
for legal
proceedings

- (3) Subsections 1 and 2 do not apply in respect of,
 - (a) criminal proceedings under any Act of the Parliament of Canada; or
 - (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or

- (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax or a tax guarantee.

(4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act, Exception for internal administration

- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and

- (b) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(5) Notwithstanding any other provision of this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to, Exception for objection or appeals, etc.

- (a) the person from whom the book, record, writing, return or other document was obtained; or

- (b) any person,

- (i) for the purposes of any objection or appeal that has been or may be taken by that person under this Act arising out of any assessment of tax, a tax guarantee, interest or penalties under this Act in connection with which the book, record, writing, return or other document was obtained, or

- (ii) by whom any amount payable under this Act is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf.

(6) Notwithstanding any other provision of this Act, the Minister may permit information or a copy of any book, Exception for tax enforcement in other jurisdictions

record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

- (a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or
- (b) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act.

Records
to be
retained

18. Every person who is a collector, an agent of the Minister under this Act, a person required to register with the Minister under section 6, or a person belonging to a class of persons prescribed by the Minister shall keep at his principal place of business records and books of account in such form and containing such information as will enable the accurate determination of the tax or tax guarantee collectable or payable under this Act, and shall retain every such record or book of account, and every account or voucher necessary to verify the information in any such record or book of account for such period as may be prescribed by the Minister.

Regulations

19.—(1) The Minister may make regulations,

- (a) prescribing or determining anything that he is permitted or required by this Act to prescribe or determine;
- (b) prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a collector, by a person who is an agent of the Minister under this Act or by any person who is required to register with the Minister under section 6; or

- (c) prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

(2) The Lieutenant Governor in Council may make regulations, ^{Idem}

- (a) prescribing anything that is required or permitted by this Act to be prescribed;
- (b) authorizing the refund of any tax or tax guarantee and specifying the conditions upon which such refund may be made;
- (c) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act;
- (e) requiring a person who is, by a regulation made under clause *d*, required to make an information return to supply a copy of the information return or of a prescribed portion thereof to the person or persons in respect of whose liability under this Act the information return or portion thereof relates;
- (f) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
- (g) prescribing any rate of interest that is to be prescribed;
- (h) providing for the payment of interest on any refund, and prescribing the rate of such interest and the method by which it is to be calculated;
- (i) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (j) prescribing the remuneration, if any, to be paid to the persons who collect the tax payable under this Act or who pay or collect any tax guarantee under this Act;

- (k) requiring the furnishing of surety bonds by collectors and persons required to register under section 6, and prescribing the form and amount of such bonds;
- (l) providing for the accounting for and paying over of any sums of money collected by or payable to any collector or person registered under section 6, or any agent of the Minister, and regulating the time and manner of such accounting and payment;
- (m) respecting agreements between the Minister and collectors, and providing for their use;
- (n) providing for exemption of cans or classes of cans from the provisions of this Act;
- (o) prescribing any container to be a can for the purposes of this Act;
- (p) providing for the relief or relaxation, in special circumstances, of the obligations imposed by this Act;
- (q) requiring collectors designated for the purpose of this clause to mark or cause to be marked clearly and conspicuously in such manner as may be prescribed on each canned soft drink to be sold, or intended to be sold, in Ontario such words as may be prescribed to indicate that the canned soft drink is or may be subject to the tax imposed by this Act.

Idem (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Commence-
ment **19.**—(1) This Act, except sections 1 to 6, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1 and 6 shall be deemed to have come into force on the 20th day of April, 1977.

Idem (3) Section 4 comes into force on the 31st day of May, 1977.

Idem (4) Sections 2, 3 and 5 come into force on the 1st day of June, 1977.

Short title **20.** This Act may be cited as *The Environmental Tax Act, 1977*.





An Act to impose a Tax on Certain
Pollutants of the Environment in
Ontario

1st Reading

April 19th, 1977

2nd Reading

3rd Reading

THE HON. M. SCRIVENER
Minister of Revenue

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to establish the Ontario Waste Disposal
and Reclamation Commission**

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

The Bill establishes the Ontario Waste Disposal and Reclamation Commission, to have authority in matters concerning disposal, reclamation and recycling of liquid, solid and gaseous wastes, with particular reference to possible development of energy from these sources.

BILL 54

1977

An Act to establish the Ontario Waste Disposal and Reclamation Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commission" means the Ontario Waste Disposal and Reclamation Commission;

(b) "Minister" means the Minister of the Environment.

2.—(1) A Commission to be known as the "Ontario Waste Disposal and Reclamation Commission" is hereby established.

Commission
established

(2) The Commission shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council.

Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Commission.

Chairman

4. Five members of the Commission constitute a quorum.

Quorum

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Commission.

Vacancies

6.—(1) The objects of the Commission are and it has power,

Objects
and powers

(a) to provide waste disposal and reclamation services throughout the province, including incineration and landfill;

(b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

(c) to study methods of marketing reclaimed materials;
and

(d) to provide waste collection services in areas where it
would be uneconomical for local authorities to do so.

**Further
powers**

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

7. The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

**Annual
report**

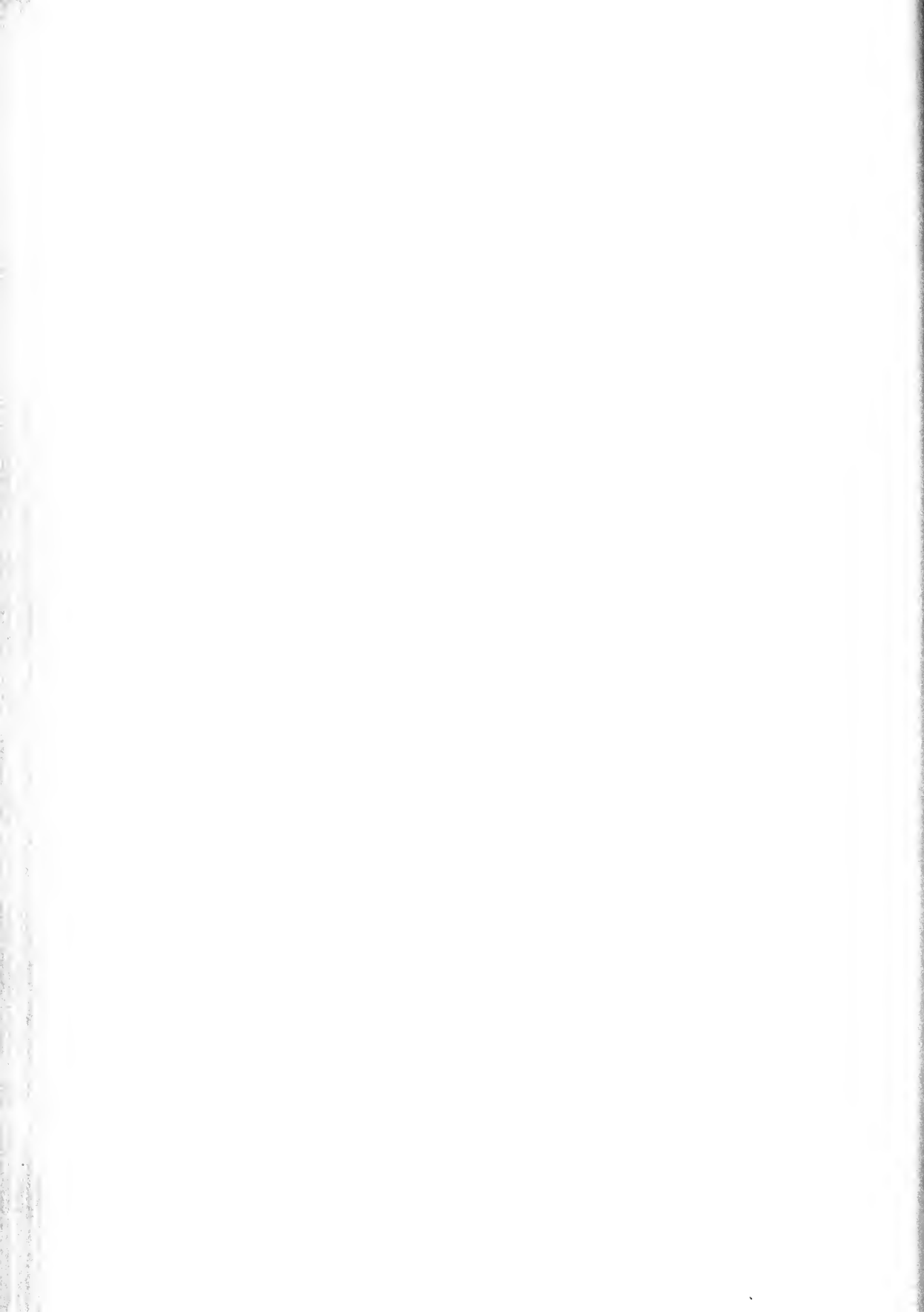
8. The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**Commence-
ment**

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Ontario Waste Disposal and Reclamation Commission Act, 1977*.



An Act to establish the Ontario Waste
Disposal and Reclamation Commission

1st Reading

April 21st, 1977

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Ryerson Polytechnical Institute

THE HON. H. C. PARROTT
Minister of Colleges and Universities

EXPLANATORY NOTE

The present corporation known as the Board of Governors of Ryerson Polytechnical Institute is continued with all its former powers except those which have been assigned by this Act to the newly formed Academic Council.

Some features of the Bill are as follows:

1. The number of members of the Board of Governors has been increased from thirteen to twenty-three members, nine of whom are appointed by the Lieutenant Governor in Council and two by the Board.

Eleven members of the Board are elected from among the teaching faculty, the administrative staff, students and the alumni. The President is a member *ex officio*. (Section 4)

2. No person may serve as a member of the Board of Governors unless he is a Canadian citizen. (Section 4 (3))
3. The quorum of the Board of Governors has been increased from five to ten members or such greater number as the Board by by-law may determine and at least one-half of the quorum shall consist of members of the Board appointed by the Lieutenant Governor in Council and the Board or elected by alumni. (Section 4 (9))
4. An Academic Council is established that is composed of the President, Vice-Presidents and Deans who are *ex officio* members, and such other members, not exceeding fifty in number, elected from among the teaching faculty, students and alumni. (Section 9)
5. The Academic Council has the power to establish the educational policy of the Institute including the awarding of diplomas and certificates and the granting of bachelor of applied arts, bachelor of technology and bachelor of business management degrees. (Section 10)
6. Meetings of the Board of Governors and of the Academic Council are open to the public except where a matter of a personal nature concerning an individual or a confidential matter of the Institute may be disclosed. (Section 11)
7. The by-laws of the Board of Governors and the Academic Council are open to examination by the public. (Section 13)
8. The Board of Governors is empowered to conduct the election of its members and members of the Academic Council who are to take office on the 1st day of November, 1977, and the Board may determine the term or terms of office of its members so elected and the term or terms of office of the members of the Academic Council so elected.

BILL 55

1977

An Act respecting Ryerson Polytechnical Institute

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) "Academic Council" means the Academic Council of Ryerson Polytechnical Institute;
- (b) "administrative staff" means the full-time employees of the Board who are not members of the teaching faculty;
- (c) "alumni" means the persons who have received degrees, diplomas or certificates from the Institute and are no longer registered as students;
- (d) "Board" means The Board of Governors of Ryerson Polytechnical Institute;
- (e) "Institute" means Ryerson Polytechnical Institute;
- (f) "Minister" means the Minister of Colleges and Universities;
- (g) "President" means the President of Ryerson Polytechnical Institute;
- (h) "property" means real and personal property;
- (i) "student" means a person who is registered as such in a program or course of study at the Institute that leads to a degree, diploma or certificate of the Institute;

(j) "teaching faculty" means the full-time employees of the Board whose prime duty is the performance of the teaching function of the Institute, including those holding the offices of Dean, Chairman or Assistant Chairman of a department, and Academic Director;

(k) "year" means the membership year of the Board or the Academic Council, as the case may be, and shall be any twelve-month period established by the Board or the Academic Council, respectively, from time to time. 1962-63, c. 128, s. 1; 1971, c. 65, s. 1, *amended*.

Conflict
R.S.O. 1970,
c. 89

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

GENERAL

Institute
continued

2. Ryerson Polytechnical Institute is continued, subject to the provisions of this Act. 1962-63, c. 128, s. 2, *amended*.

Objects

3. The objects and purposes of the Institute are to provide,

(a) programs and courses of study in any branch of arts, applied arts, business, community services and technology; and

(b) programs and courses of study sponsored jointly with the Government of Ontario or any ministry or board, agency or commission thereof, with the Government of Canada or any department or board, agency or commission thereof, with industry or commerce, or with other educational institutions. 1962-63, c. 128, s. 3, *amended*.

BOARD OF GOVERNORS

Corporation
continued

4.—(1) The Board of Governors of Ryerson Polytechnical Institute is continued as a body corporate and shall be composed of,

(a) the President, who shall be an *ex officio* member;

(b) nine members, none of whom is a student or an employee of the Board, appointed by the Lieutenant Governor in Council for a term of three years;

- (c) three members, none of whom is an employee of the Board, elected by the alumni from among themselves for a term of three years;
- (d) three members elected by the teaching faculty from among themselves for a term of two years;
- (e) two members elected by the administrative staff from among themselves for a term of two years;
- (f) three members elected by the students from among themselves for a term of one year; and
- (g) two members, none of whom is a student or an employee of the Board, appointed by the Lieutenant Governor in Council for a term of three years and thereafter by the Board for a term of three years. 1962-63, c. 128, s. 4 (1-3); 1971, c. 65, s. 2, *amended*.

(2) The Board shall by by-law determine the manner and procedure of election of its members and shall conduct such elections and determine any dispute as to eligibility to hold office or to vote, and such elections shall be by secret ballot. Manner of election

(3) No person shall serve as a member of the Board unless he is a Canadian citizen. *New*. Canadian citizenship

(4) Subject to subsection 5, a member of the Board is eligible for reappointment or re-election, as the case may be, except that no member shall serve for more than two consecutive terms, but on the expiration of one year after having served the second of two consecutive terms, such person may again be eligible for membership on the Board. 1962-63, c. 128, s. 4 (4), *amended*. Eligibility for reappointment or re-election

(5) The limit of two consecutive terms referred to in subsection 4 does not include, Idem

- (a) service on the Board prior to the day this section comes into force;
- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection 8; or
- (c) service on the Board for a term reduced under subsection 1 or 2 of section 17. *New*.

Membership
vacated

(6) A member of the Board ceases to hold office where he ceases to be eligible pursuant to,

(a) subsection 3; or

(b) clauses *b* to *g* of subsection 1 under which he was appointed or elected, as the case may be, except that a student member who graduates during his term of office may serve for the remainder of such term. 1962-63, c. 128, s. 4 (5), *amended*.

Absence
from
meetings

(7) Where, within any year, a member of the Board, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of such body, the Board may by resolution declare his membership vacant. 1962-63, c. 128, s. 4 (6), *amended*.

Filling
vacancies

(8) Where a vacancy on the Board occurs before the term of office for which a person was appointed or elected has expired,

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so and notwithstanding any other provision of this Act, the manner and procedure for so doing,

and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant. 1962-63, c. 128, s. 4 (8), *amended*.

Quorum

(9) A quorum of the Board shall consist of ten members or such greater number as the Board by by-law may determine, and at least one-half of the quorum shall consist of members of the Board appointed or elected under clauses *b*, *c* and *g* of subsection 1. 1962-63, c. 128, s. 4 (10), *amended*.

Chairman
and
Vice-
Chairman

(10) The Board shall elect a Chairman and a Vice-Chairman from among the members appointed or elected under clauses *b*, *c* and *g* of subsection 1 and in the event of the absence or inability to act of the Chairman or of there being a vacancy in that office, the Vice-Chairman shall act as and have all the powers of the Chairman. 1962-63, c. 128, s. 4 (11), *amended*.

(11) In the absence or inability to act of the Chairman and Vice-Chairman, the Board may appoint one of its members appointed or elected under clauses *b*, *c* and *g* of subsection 1 to act as Chairman for the time being and the member so appointed shall act as and have all the powers of the Chairman. 1962-63, c. 128, s. 4 (12, 13), *amended*. Absence

(12) The term of office of the Chairman and of the Vice-Chairman shall be as determined by the Board. *New*. Term of office

5.—(1) The Board may establish committees and appoint persons thereto and, subject to subsection 5, confer upon any such committee authority to act for the Board with respect to any matter or class of matters. 1962-63, c. 128, s. 5 (1), *amended*. Committees

(2) A majority of the members of a committee shall be members of the Board. 1962-63, c. 128, s. 5 (2). Majority to be board members

(3) The President shall be an *ex officio* member of every committee established under subsection 1 unless excluded therefrom by a by-law or a resolution of the Board. 1971, c. 65, s. 3, *amended*. President *ex officio* member

(4) The President, if not excluded under subsection 3 as a member of a committee, may nominate an officer of the Board to represent him on a committee established under subsection 1, and such nominee shall act in the place and stead of the President on such committee. *New*. Nominee

(5) No decision of a committee that includes in its membership persons who are not members of the Board is effective until approved and ratified by the Board. 1962-63, c. 128, s. 5 (4). Decision of committee

(6) For the purposes of subsections 2 and 5, an officer of the Board nominated by the President under subsection 4 to represent him on a committee shall be deemed to be a member of the Board. *New*. Nominee deemed member of the Board

6.—(1) The government, conduct, management and control of the Institute and of its property, revenues, expenditures, business and affairs, except with respect to such matters as are assigned by this Act to the Academic Council, are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Institute including, without limiting the generality of the foregoing, the power, Powers of the Board

- (a) to enact by-laws for the conduct of its affairs ;
- (b) to appoint the President and define his duties and responsibilities ;
- (c) to appoint, classify, promote, suspend, transfer, reclassify or remove the members of the teaching faculty and administrative staff and such other employees as it considers necessary or advisable for the proper conduct of the affairs of the Institute, but no member of the teaching faculty or administrative staff except the President shall be appointed, classified, promoted, suspended, transferred, reclassified or removed unless recommended by the President or such other officer or employee of the Board delegated under subsection 4 ;
- (d) to fix the number, duties and salaries and other remuneration of the officers and employees of the Board ;
- (e) to delegate such of its powers under clauses *c* and *d* as it considers proper to the President or other officer or employee of the Board as may be recommended by the President ;
- (f) to provide for the retirement and superannuation of persons referred to in clauses *b* and *c* ;
- (g) to provide for payments by way of gratuities, retirement allowances, sick leave allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to any representative of or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise ;
- (h) to expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance, or health insurance, for the benefit of the persons mentioned in clauses *b* and *c* ;
- (i) to expend such sums as the Board considers necessary for the support and maintenance of the Institute and for the betterment of existing buildings and the erection of such new buildings as the

Board may consider necessary for the use and purposes of the Institute and for the furnishings and equipment of such existing and newly-erected buildings;

- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishings and maintenance of residences and dining halls for the use of the students;
- (k) to acquire, hold and maintain such real property as the Board considers necessary for the use of the students of the Institute for athletic purposes and to erect and maintain such buildings and structures thereon as it considers necessary;
- (l) to provide such health services, health examinations and physical training for the students of the Institute as the Board considers necessary;
- (m) to appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (n) to borrow money for its purposes upon its credit, and to give such security against the assets of the Institute by way of mortgage, debenture or otherwise, as it determines;
- (o) to invest all money that comes into its hands that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund;
- (p) after consultation with the Minister,
 - (i) to co-operate with other educational institutions on such terms and for such periods of time as the Board may determine,
 - (ii) to establish, change and terminate such degree, diploma or certificate programs as

the Academic Council recommends and the Board considers appropriate; and

- (q) to establish and collect fees and charges for tuition and for services of any kind offered by the Institute and collect fees and charges on behalf of any entity, organization or element of the Institute. 1962-63, c. 128, s. 7; 1971, c. 65, s. 4, *amended*.

Recommendations
by
President
as to staff

- (2) The President shall make recommendations to the Board as to the appointment, classification, promotion, suspension, transfer, reclassification and removal of the members of the teaching faculty and administrative staff.

Recommendation

- (3) The President may recommend an officer or employee of the Board for the purpose of a delegation by the Board under clause *e* of subsection 1 of certain of its powers.

Delegation
by
President

- (4) The President, subject to the approval of the Board, may delegate his duties under subsection 2 to any other officer or employee of the Board. *New*.

Audit of
accounts
R.S.O. 1970,
c. 373

7. The Board shall appoint one or more public accountants licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board at least annually. 1962-63, c. 128, s. 8, *amended*.

Annual
report
to
Minister

- 8.—(1) The Board shall make a financial report annually to the Minister in such form and containing such information as the Minister may require. 1962-63, c. 128, s. 9 (1), *amended*.

Tabling

- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 128, s. 9 (2).

Annual
public
report

- (3) The Board shall make available to the public an annual report including an annual financial report in such form and manner as the Board may determine. *New*.

ACADEMIC COUNCIL

Academic
Council

- 9.—(1) There shall be an Academic Council of the Institute composed of,

- (a) the President, the Vice-Presidents and the Deans, who shall be *ex officio* members; and

(b) such other members, not exceeding fifty in number, composed of persons elected by secret ballot,

(i) by the teaching faculty from among themselves,

(ii) by the students from among themselves, and

(iii) by the alumni from among themselves.

(2) The Academic Council shall by by-law determine, By-laws

(a) the number of members to be elected to the Academic Council by the teaching faculty, the students and the alumni, respectively;

(b) constituencies for each of the groups referred to in clause *b* of subsection 1 and assign persons or classes of persons thereto;

(c) the term of office of one, two or three years, as the case may be, for the members elected by each of the groups referred to in clause *b* of subsection 1; and

(d) the procedures to be followed in the election of members of the Academic Council.

(3) The Academic Council shall conduct the election of Elections its members and shall determine any dispute as to the eligibility of a candidate at such election or of a person to vote thereat.

(4) Where for any reason a by-law of the Academic Term of office Council has not been enacted under clause *c* of subsection 2, the term of office of an elected member of the Academic Council is one year.

(5) Subject to subsection 6, a member of the Academic Eligibility for re-election Council is eligible for re-election except that no member shall serve for more than two consecutive terms, but on the expiration of one year after having served the second of two consecutive terms, such person may again be eligible for membership on the Academic Council.

(6) The limit of two consecutive terms referred to in Idem subsection 5 does not include,

(a) service on the Academic Council for the balance of an unexpired term for a person who becomes a

member of the Academic Council under subsection 8; or

- (b) service on the Academic Council for a term of office established by the Board under subsection 3 of section 17.

Membership
vacated

(7) An elected member of the Academic Council ceases to hold office where he ceases to be eligible pursuant to clause *b* of subsection 1 under which he was elected, except that a student member who graduates during his term of office may serve for the remainder of the current year.

Filling
vacancy

(8) Where a vacancy occurs for any reason among the elected members of the Academic Council before the term for which a person was elected has expired, the Academic Council in its sole discretion shall determine whether the vacancy is to be filled and, if so and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Chairman
and Vice-
Chairman

(9) The President shall be the Chairman of the Academic Council and a Vice-Chairman shall be elected from among its members in such manner as the Academic Council may determine. *New.*

Powers of
Academic
Council

10. The Academic Council has, subject to the approval of the Board with respect to the expenditure of funds, the power to establish the educational policy of the Institute and without limiting the generality of the foregoing has the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to enact by-laws for the purposes of subsection 2 of section 9 in order to conduct the election of its members;
- (c) to make recommendations to the Board with respect to the establishment, change or termination of programs and courses of study, schools, divisions and departments;
- (d) to determine the curricula of all programs and courses of study, the standards of admission to the Institute and continued registration therein, and the qualifications for degrees, diplomas and certificates of the Institute;

- (e) to conduct examinations, appoint examiners and decide all matters relating thereto;
- (f) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (g) to award diplomas and certificates;
- (h) to grant bachelor of applied arts, bachelor of technology and bachelor of business management degrees; and
- (i) to create councils and committees to exercise its powers. *New.*

BOARD OF GOVERNORS AND ACADEMIC COUNCIL

11.—(1) Subject to subsections 2 and 3, a meeting of the Board or of the Academic Council shall be open to the public and prior notice of the meeting shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board and the Academic Council by by-law shall respectively determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be. Meetings
open to
public

(2) Where matters confidential to the Institute are to be considered, the part of the meeting concerning such matters may be held *in camera*. Proviso

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that that part of the meeting be open to the public. *New.* Idem

12. Every student is eligible for election to the Board or the Academic Council whether or not he has attained the age of eighteen years. *New.* Age of
student
members

13.—(1) The by-laws of the Board and of the Academic Council shall be open to examination by the public during normal business hours. Examination
of by-laws

(2) The Board and the Academic Council shall publish their by-laws from time to time in such manner as they may, respectively, consider proper. *New.* Publica-
tion of
by-laws

PROPERTY

Property
vested in
Board

14. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Board, the Institute or to any person in trust for or for the benefit of the Board, the Institute or any of its divisions or departments, subject to any trust affecting the property, is vested in the Board. 1962-63, c. 128, s. 6; 1966, c. 139, s. 1, *amended*.

Power to
deal with
property

15. The Board has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof. 1962-63, c. 128, s. 7 (*m*), *amended*.

Expropria-
tion
R.S.O. 1970,
c. 154

16.—(1) Subject to the provisions of *The Expropriations Act*, the Board may, without the consent of the owner or any person interested therein, other than a municipality or a district, regional or metropolitan municipality, enter upon, take, use and expropriate all such land as defined in section 1 of *The Expropriations Act* as it considers necessary for the purposes of the Institute. 1962-63, c. 128, s. 7 (*n*), *amended*.

Land
vested in
Board not
liable to
expropria-
tion

(2) Real property vested in the Board and used by the Institute for its purposes shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. *New*.

MISCELLANEOUS

Election
of Board

17.—(1) For the purpose of the election of members to the Board who are to take office on the 1st day of November, 1977, the Board in office when this section comes into force shall, notwithstanding any other provision of this Act, conduct the election and may determine that one or more of the members so elected shall serve for a period of less than three years.

(2) Notwithstanding clauses *b* and *g* of subsection 1 of section 4, the Lieutenant Governor in Council may determine that one or more of the members appointed by it to the Board to take office on the 1st day of November, 1977, shall serve for a period of less than three years.

(3) For the purpose of the first election of members to the Academic Council who are to take office on the 1st day of November, 1977, the Board in office when this section comes into force shall determine, notwithstanding any other provision of this Act, the composition and the number, not exceeding fifty, of the members to be elected and shall determine the term or terms of office of one, two or three years of such members and the method of their election and shall conduct such elections.

(4) The Board in office when this section comes into force is hereby authorized and empowered to arrange for and call the first meeting of the Board and of the Academic Council, respectively, to be held on or after the 1st day of November, 1977, and the members of the said Board and Academic Council shall be given reasonable notice of such meetings. *New.*

18. The following are repealed:

Repeals

1. *The Ryerson Polytechnical Institute Act, 1962-63*, being chapter 128.
2. *The Ryerson Polytechnical Institute Amendment Act, 1966*, being chapter 139.
3. *The Ryerson Polytechnical Institute Amendment Act, 1971*, being chapter 65.

19.—(1) This Act, except sections 1 to 16 and 18, comes into force on the day it receives Royal Assent.

Commencement

(2) Sections 1 to 16 and 18 come into force on the 1st day of November, 1977.

Idem

20. This Act may be cited as *The Ryerson Polytechnical Institute Act, 1977*.

Short title

An Act respecting
Ryerson Polytechnical Institute

1st Reading

April 21st, 1977

2nd Reading

3rd Reading

THE HON. H. C. PARROTT
Minister of Colleges and
Universities

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Employment Standards Act, 1974**

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

The purpose of the Bill is to establish a regular working week of 40 hours.

BILL 56

1977

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 17 and 18 of *The Employment Standards Act, 1974*, ^{ss. 17, 18, re-enacted} being chapter 112, are repealed and the following substituted therefor:

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight ^{Maximum working hours} in the day and forty in the week. ^{R.S.O. 1970, c. 221}

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director ^{Variation of working day} prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty hours in a week.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Employment Standards Amendment Act, 1977*. ^{Short title}

An Act to amend
The Employment Standards Act, 1974

1st Reading

April 22nd, 1977

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Regional Municipality of Durham Act, 1973**

MR. BREAGH

EXPLANATORY NOTE

This Bill returns control over water and sewage service in The Regional Municipality of Durham to the area municipalities.

BILL 57

1977

**An Act to amend
The Regional Municipality of Durham Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55, as re-enacted by the Statutes of Ontario, 1974, ^{ss. 55, 56, re-enacted} chapter 117, section 51, and section 56, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51 and amended by 1976, chapter 70, section 50, of *The Regional Municipality of Durham Act, 1973*, being chapter 78, are repealed and the following substituted therefor:

55. Notwithstanding anything in this Act, each area ^{Supply and distribution of water by area municipality} municipality shall have the sole responsibility for the supply and distribution of water in its area municipality, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof.

56. Notwithstanding anything in this Act, each area ^{Collection and disposal of sewage by area municipality} municipality shall have the sole responsibility for the collection and disposal of all sewage in its area municipality, including the establishment, construction, maintenance, operation and financing thereof.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Regional Municipality of Durham* ^{Short title} *Amendment Act, 1977*.

An Act to amend
The Regional Municipality
of Durham Act, 1973

1st Reading

April 25th, 1977

2nd Reading

3rd Reading

MR. BREAUGH

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Consumer Protection Act

MR. NEWMAN
(Windsor-Walkerville)

EXPLANATORY NOTE

This Bill requires that every product offered for sale by a retailer that is marked with the universal product code must also be clearly marked with its individual purchase price.

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 47a,
enacted

47a.—(1) In this section,

Interpre-
tation

(a) “computer price code” means a marking that is designed to be read and recorded by a computer device for the purpose of calculating the purchase price of a product offered for sale and includes the universal product code;

(b) “product” means an item of goods;

(c) “retail seller” means a person who offers a product for sale but not for resale.

(2) No retail seller shall offer for sale a product that is marked with a computer price code unless the individual purchase price of such product is clearly expressed on the product, its wrapper or container. Individual
purchase
price marking
required

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Consumer Protection Amendment Act, 1977*. Short title

An Act to amend
The Consumer Protection Act

1st Reading

April 25th, 1977

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Environmental Assessment Act, 1975**

THE HON. G. A. KERR
Minister of the Environment

EXPLANATORY NOTE

The amendment adds Part III-A to the Act to provide for the appointment of persons to inquire into such matters related to the purpose of the Act as may be set out in the appointments and to report thereon to the Minister.

Section 24*b* provides that an appointment may be made by the Lieutenant Governor in Council upon the recommendation of the Minister.

Section 24*c* states that the purpose of an inquiry and report under the Part is to provide information and advice to the Minister.

Section 24*d* provides that the conduct of and the procedure to be followed on an inquiry, including at a hearing held in the course of an inquiry, is under the control and direction of the appointee. The section also provides that, except in special circumstances, hearings held in the course of an inquiry shall be open to the public, and the appointee may take into account evidence, information and views expressed at hearings and otherwise.

Section 24*e* requires an appointee to give to any person that the appointee specifies has an interest in the subject-matter of the inquiry an opportunity to give evidence and, where the appointee holds a hearing, to call and examine or to cross-examine witnesses on evidence relevant to the person's interest.

Section 24*f* provides for class representation at a hearing held in the course of an inquiry.

Sections 24*g*, 24*h*, 24*i* and 24*j* relate to the receipt of evidence, information and views, oaths and affirmations, and protection of witnesses.

Sections 24*k* and 24*l* authorize an appointee to summon witnesses and to state a case to the Divisional Court to punish a witness for contempt.

Section 24*m* entitles the Minister, by counsel or otherwise, to take part in a hearing held in the course of an inquiry.

Section 24*n* provides for the stating of a case for determination by the Divisional Court where an appointment or the authority of an appointee is questioned. Subsection 4 of the section authorizes the appointee to proceed with any aspect of the inquiry not in issue in the stated case.

Section 24*o* provides for the release of documents and the copying of documents produced in evidence to an appointee.

Section 24*p* authorizes an individual appointee, where two or more persons are appointed to conduct an inquiry, to administer oaths and affirmations, to summon witnesses, and to release documents and to copy or permit the copying of documents produced in evidence.

Section 24*q* states that a report under the Part is not binding with respect to any decision or determination under the Act.

Section 24*r* provides for public inspection of reports made under the Part.

BILL 59

1977

An Act to amend The Environmental Assessment Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Environmental Assessment Act, 1975*, being chapter 69, Part III-A, (ss. 24a-24r), enacted is amended by adding thereto the following Part:

PART III-A

INQUIRIES

24a. In this Part,

Interpre-
tation

- (a) "appointee" means the person or persons appointed to conduct an inquiry;
- (b) "hearing" means a hearing held in the course of an inquiry;
- (c) "inquiry" means an inquiry under this Part.

24b. The Lieutenant Governor in Council, on the recommendation of the Minister, may appoint one or more persons to inquire into such matters relating to the purpose of this Act as may be set out in the appointment and to report thereon to the Minister. Appointment of person or persons to inquire and report

24c. The purpose of an inquiry and report under this Part is to provide information and advice to the Minister. Purpose of inquiry and report

24d.—(1) The conduct of and the procedure to be followed on an inquiry, including at a hearing, is under the control and direction of the appointee. Procedure

(2) An appointee may take into account evidence, information and views expressed at hearings and otherwise. Receiving of views

Public
hearings

(3) All hearings shall be open to the public except where the appointee is of the opinion that matters may be disclosed at a hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case, the appointee may hold the hearing concerning any such matters *in camera*.

Rights of
interested
persons

24e. An appointee shall give to any person who the appointee, in his opinion, having regard to the purpose of this Act, specifies has an interest in the subject-matter of the inquiry an opportunity during the inquiry to give evidence and, where the appointee holds a hearing, to call and examine or to cross-examine witnesses personally or by the person's counsel on evidence relevant to the person's interest.

Class
repre-
sentation

24f. Where the appointee holds a hearing, the appointee may designate from among a class of persons having, in the opinion of the appointee, a common interest in the subject-matter of the inquiry, a person to represent the class in the hearing, but any other member of the class for which the appointment was made, with the consent of the appointee, may take part in the inquiry notwithstanding the designation.

Privilege

24g. Nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of any privilege under the law of evidence.

Unsworn
evidence

24h. An appointee may accept, at a hearing or otherwise, evidence, information and views not given under oath or affirmation.

Oaths
and
affirmations

24i. An appointee has power to administer oaths and affirmations and may require evidence to be given under oath or affirmation.

Protection
of witnesses

24j.—(1) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish the liability of the witness to civil proceedings at the instance of the Crown or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceedings against the witness thereafter taking place, other than a prosecution for perjury in giving such evidence.

(2) A witness shall be informed by the appointee of the witness's right to object to answer any question under section 5 of the *Canada Evidence Act*.

Right to
object

R.S.C. 1970,
c. E-10

24k.—(1) An appointee may require any person by summons, in the form prescribed by the regulations,

Power to
summon
witnesses

- (a) to give evidence on oath or affirmation at a hearing; or
- (b) to produce in evidence at a hearing such documents and things that the appointee may specify,

relevant to the subject-matter of the inquiry and not inadmissible in evidence at a hearing under section 24g.

(2) A summons issued under subsection 1 shall be served personally on the person summoned, and the person shall be paid at the time of service the like fees and allowances for attendance as a witness before the appointee as are paid for the attendance of a witness summoned to attend before the Supreme Court.

Form and
service
of summons

24l.—(1) Where any person without lawful excuse,

Stated case
for failure
to attend
hearing, etc.

- (a) on being duly summoned under subsection 1 of section 24k as a witness at a hearing, makes default in attending at the hearing; or
- (b) being in attendance as a witness at a hearing refuses to take an oath or to make an affirmation legally required by the appointee to be taken or made, or to produce any document or thing in his power or control legally required by the appointee to be produced to the appointee, or to answer any question to which the appointee may legally require an answer; or
- (c) does any other thing that would, if the appointee had been a court of law having power to commit for contempt, have been in contempt of that court,

the appointee may state a case to the Divisional Court setting out the facts and that court may, on the application of the appointee or of the Minister, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if that person had been guilty of contempt of the court.

Minister
entitled
to be heard

24*m*. The Minister is entitled by counsel or otherwise to take part in a hearing.

Stated case

24*n*.—(1) Where the appointment of an appointee under this Part or the authority of an appointee to do any act or thing proposed to be done or done by the appointee in the course of an inquiry is called into question by a person affected, the appointee may of his own motion or upon the request of the person state a case in writing to the Divisional Court setting forth the material facts and the grounds upon which the appointment or the authority of the appointee to do the act or thing are questioned.

Order
directing
stated case

(2) If an appointee refuses to state a case under subsection 1, the person requesting it may apply to the Divisional Court for an order directing the appointee to state such a case.

Court to
hear and
determine
stated case

(3) Where a case is stated under subsection 1 or 2, the Divisional Court shall hear and determine in a summary manner the question raised.

Proceedings
stayed

(4) Pending the decision of the Divisional Court on a case stated under subsection 1 or 2, no further proceedings shall be taken by the appointee with respect to the subject-matter of the stated case but he may continue the inquiry into matters not in issue in the stated case.

Release of
documents

24*o*.—(1) Documents and things produced in evidence to an appointee shall, upon the request of the person who produced them or the person entitled thereto, be released to the person by the appointee within a reasonable time.

Copies of
documents

(2) Where a document has been produced in evidence before an appointee, the appointee may, or the person producing it may, with the leave of the appointee, cause the document to be photocopied and the photocopy may be filed in evidence in the place of the document produced, and a document purporting to be a copy of a document produced in evidence, certified to be a true copy thereof by the appointee, is admissible in evidence in proceedings in which the document produced is admissible, as evidence of the document produced.

Powers of
each of two
or more
appointees

24*p*. Where two or more persons are appointed to conduct an inquiry, any one of them may exercise the powers conferred by section 24*i*, 24*k* or 24*o*.

Effect of
report

24*q*. A report under this Part is not binding with respect to any decision or determination under this Act.

24r. On the request of any person, the Minister shall make available for inspection by the person any report made pursuant to this Part as soon as practicable after the receipt of the report. ^{Inspection of report}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Environmental Assessment Amendment Act, 1977*. ^{Short title}

BILL 59

An Act to amend
The Environmental Assessment Act, 1975

1st Reading

April 26th, 1977

2nd Reading

3rd Reading

THE HON. G. A. KERR
Minister of the Environment

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Pension Benefits Act**

MR. DI SANTO

EXPLANATORY NOTE

This Bill permits the employees to accumulate pension benefits while unemployed due to disablement.

BILL 60

1977

An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 24a.
enacted

24a.—(1) Notwithstanding any other provision of this Act or the regulations, an injured employee shall accumulate pension credits during any period that the employee is unable to work due to a total temporary disability, a total permanent disability, or a partial permanent disability. Injured employees to accumulate pension credits while unemployed due to disability

(2) For the purpose of subsection 1, "employee" means an employee of a person or association from whom the employee receives his remuneration but does not include an employee of Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Municipal Affairs Act*, and a metropolitan municipality or the local boards thereof. "employee" defined
R.S.O. 1970,
c. 118

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Pension Benefits Amendment Act, 1977*. Short title

An Act to amend
The Pension Benefits Act

1st Reading

April 26th, 1977

2nd Reading

3rd Reading

MR. DI SANTO

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Workmen's Compensation Act**

MR. DI SANTO

EXPLANATORY NOTE

This Bill requires that employers with twenty or more employees hire injured workers with permanent partial disabilities.

BILL 61

1977

**An Act to amend
The Workmen's Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection:

(5a) Every employer with twenty or more employees shall hire a minimum of 3 per cent of his employees from injured workers with permanent partial disabilities.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1977*.

s. 42,
amended

Hiring
injured
workers with
permanent
partial
disabilities

Commence-
ment

Short title

An Act to amend
The Workmen's Compensation Act

1st Reading

April 26th, 1977

2nd Reading

3rd Reading

MR. DI SANTO

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Ministry of Labour Act

THE HON. B. STEPHENSON
Minister of Labour

EXPLANATORY NOTES

SECTION 1. Clause *a* of section 1 of the Act now reads as follows:

(a) "*Board*" means the *Industry and Labour Board*.

The repeal of clause *a* is complementary to the abolition of the Industry and Labour Board (Section 2 of the Bill). The new clause *a* is complementary to section 4 of the Bill.

SECTION 2. Section 8 of the Act now reads as follows:

- 8.—(1) *The Board shall consist of not more than three members appointed by the Lieutenant Governor in Council, one of whom shall be designated as chairman, and all of whom shall be officers of the Ministry.*
- (2) *The Board is a body corporate and, with the approval of the Lieutenant Governor in Council, may pass by-laws and regulations governing its proceedings.*
- (3) *The Board shall administer, enforce and carry out any Act in which the Board is designated for the purpose in such Act or that is assigned to it by the Lieutenant Governor in Council.*

The Industry and Labour Board is abolished. The new section 8 provides for the appointment of committees, mediators, fact finders, etc., for the purposes set out in the section.

SECTION 3. Subsection 2 of section 9 of the Act now reads as follows:

- (2) *For the purpose of procuring such information or for the purpose of assisting the Ministry in carrying out any of the provisions of section 6, the Minister may authorize the Board or any members of the Board to conduct a public inquiry and the Board and the member or members thereof acting under such authority have, for the purpose of conducting such public inquiry, the powers of a commission under Part II of The Public Inquiries Act, 1971, which Part applies to such public inquiry as if it were an inquiry under that Act.*

The repeal of the subsection is complementary to the abolition of the Industry and Labour Board.

SECTION 4. Section 10 of the Act at present establishes the Labour Safety Council of Ontario, provides for the appointment of its members and sets out its function and powers. The Labour Safety Council of Ontario is abolished. The re-enacted section 10 establishes the Advisory Council on Occupational Health and Occupational Safety, provides for the appointment and remuneration of its members and sets out its function and powers.

BILL 62

1977

An Act to amend The Ministry of Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) "Advisory Council" means the Advisory Council on Occupational Health and Occupational Safety.

2. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,
re-enacted

8.—(1) The Minister may appoint committees or persons as mediators, fact finders, consultants or advisers to assist or advise the Minister on any matters or to inquire into and report to the Minister on any matters or disputes as the Minister considers advisable. Appointment
of
committees,
mediators,
etc.

(2) The remuneration and expenses of any person appointed under subsection 1 shall be fixed by the Minister with the approval of the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature. Remunera-
tion and
expenses

3. Subsection 2 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 29, is repealed. s. 9 (2),
repealed

4. Section 10 of the said Act is repealed and the following substituted therefor: s. 10,
re-enacted

10.—(1) There shall be a council to be known as the Advisory Council on Occupational Health and Occupational Safety composed of not fewer than twelve and not more than twenty members appointed by the Lieutenant Governor in Council on the recommendation of the Minister. Advisory
Council on
Occupational
Health and
Occupational
Safety

Term of
office of
members

(2) The members of the Advisory Council shall be appointed for such term as the Lieutenant Governor in Council determines and shall be representative of management, labour and technical or professional persons and the public who are concerned with and have knowledge of occupational health and occupational safety.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council shall designate a chairman and a vice-chairman of the Advisory Council from among the members appointed.

Vacancies

(4) The Lieutenant Governor in Council may fill any vacancy that occurs in the membership of the Advisory Council.

Remunera-
tion and
expenses

(5) The remuneration and expenses of the members of the Advisory Council shall be determined by the Lieutenant Governor in Council and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of
Advisory
Council

(6) The Advisory Council, with the approval of the Minister, may make rules and pass resolutions governing its procedure, including the calling of meetings, the establishment of a quorum, and the conduct of meetings.

Idem

(7) The function of the Advisory Council is and it has power,

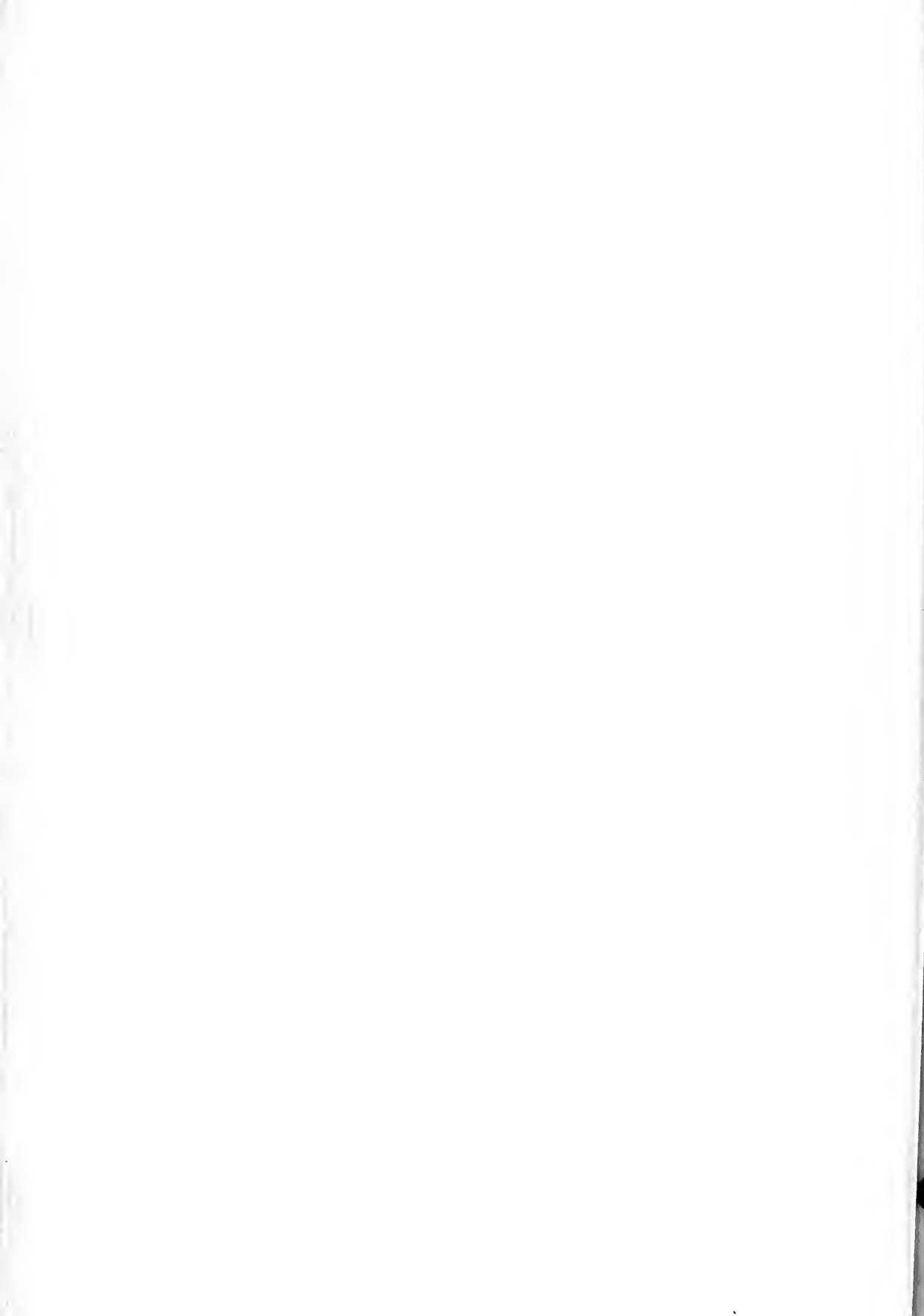
- (a) to make recommendations to the Minister relating to programs of the Ministry in occupational health and occupational safety; and
- (b) to advise the Minister on matters relating to occupational health and occupational safety that may be brought to its attention or be referred to it.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ministry of Labour Amendment Act, 1977*.



An Act to amend
The Ministry of Labour Act

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. B. STEPHENSON
Minister of Labour

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

The Regional Municipalities Amendment Act, 1977

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

- PART I — Ottawa-Carleton (ss. 1-4).
- PART II — Niagara (ss. 5-8).
- PART III — York (ss. 9-12).
- PART IV — Waterloo (ss. 13-16).
- PART V — Sudbury (ss. 17-20).
- PART VI — Peel (ss. 21-24).
- PART VII — Halton (ss. 25-29).
- PART VIII — Hamilton-Wentworth (ss. 30-33).
- PART IX — Durham (ss. 34-37).
- PART X — Haldimand-Norfolk (ss. 38-41).

The following four numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 1, 5, 9, 13, 17, 21, 25, 30, 34, 38.*

The effect of the re-enactment is to remove the requirement of a two-thirds vote of the Regional Council to remove the auditor for cause: a simple majority will now suffice. An example of the subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

2. *Sections 3 (1), 7 (1, 2), 11 (1, 2), 15 (1), 19 (1), 23 (1), 27 (1), 32 (1), 36 (1), 40 (1).*

The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required "to meet expenditures incurred"; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. An example of the two subsections to be re-enacted, showing underlined the restriction to be removed is set out below:

- (1) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized and may by by-law pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of an area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*

3. Sections 3 (2), 7 (3), 11 (3), 15 (2), 19 (2), 23 (2), 27 (2), 32 (2), 36 (2), 40 (2).

The subsection to be added will permit the signature of the chairman and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

4. Sections 4, 8, 12, 16, 20, 24, 28, 33, 37, 41.

The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the Regional Corporation to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the subsection added is to enable the Regional Corporation to accept gifts or bequests of money for this and other purposes.

The sections mentioned below apply only to the regional municipalities of Ottawa-Carleton, Niagara, York, Waterloo and Sudbury.

Sections 2, 6, 10, 14, 18.

The effect of the re-enactment is to permit the mechanical reproduction of the signature of the treasurer on promissory notes if the note is countersigned by some other person authorized by by-law to countersign it; an example of the subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (5a) *The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any*

other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

The sections mentioned below apply only to the regional municipalities of Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk.

Sections 22, 26, 31, 35, 39.

An example of the section being replaced, as it now reads, is set out below:

91.—(1) Section 332 of The Municipal Act applies mutatis mutandis to the Regional Council.

(2) In 1974, for the purposes of subsection 4 of section 332 of The Municipal Act, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

The effect of the re-enactment is to replace the cross-reference to *The Municipal Act* provisions regarding temporary borrowing for current purposes with this newly-written section. It is substantially the same as *The Municipal Act* provisions, but removes the requirement that the Regional treasurer provide to the lender a copy of the borrowing by-law a statement showing the amount of the year's uncollected revenues and also the amount of any unpaid temporary borrowings. In addition, the re-enactment allows the mechanical signature of promissory notes by the Regional chairman, and where authorized by by-law, mechanical signature by the Regional treasurer.

Section 29 of the Bill applies only to the Regional Municipality of Halton. Section 138 of the Act now reads as follows:

138.—(1) The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation.

(2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation.

The subsection to be added remedies an oversight by deeming the Museum Association to have been dissolved on the same date the Museum Board was dissolved and the assets of the Museum vested in the Regional Corporation.

BILL 63

1977

The Regional Municipalities Amendment Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 1 of section 25 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.
2. Subsection 5a of section 95 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 138, section 14, is repealed and the following substituted therefor:

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 25 (1).
re-enacted

Appointment
of auditors

s. 95 (5a).
re-enacted

Idem

s. 99 (1, 2),
re-enacted

- 3.—(1) Subsections 1 and 2 of section 99 of the said Act are repealed and the following substituted therefor:

Borrowing
pending
issue and
sale of
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 99,
amended

- (2) The said section 99 is amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 124 (1),
re-enacted

- 4.—(1) Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 6, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24 and 41 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19 and 1976, chapter 70, section 6, is further amended by adding thereto the following subsection:

(5a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

s. 124,
amended

Application
of
R.S.O. 1970,
c. 280, s. 13

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

5. Subsection 1 of section 25 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 25 (1),
re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Appointment
of auditors

6. Section 130 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 11, is further amended by adding thereto the following subsection:

s. 130,
amended

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Idem

- 7.—(1) Subsection 1 of section 134 of the said Act is repealed and the following substituted therefor:

s. 134 (1),
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of

Borrowing
pending
issue and
sale of
debentures

such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 134 (2),
re-enacted

- (2) Subsection 2 of the said section 134, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 12, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 134,
amended

- (3) The said section 134, as amended by the Statutes of Ontario, 1972, chapter 51, section 12, is further amended by adding thereto the following subsection:

Signature of
chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 154 (1),
re-enacted

- 8.—(1) Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 11, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, and sections 333 and 348, paragraphs 3, 10, 11, 12, 24 and 41 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 154,
amended

- (2) The said section 154, as amended by the Statutes of Ontario, 1971, chapter 77, section 8 and 1976, chapter 70,

section 11, is further amended by adding thereto the following subsection:

(7a) The Regional Corporation shall be deemed to be a ^{Application of} municipal corporation for the purposes of section 13 of *The R.S.O. 1970, c. 280, s. 13* *Mortmain and Charitable Uses Act*.

PART III

THE REGIONAL MUNICIPALITY OF YORK

9. Subsection 1 of section 25 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The Regional Council shall by by-law appoint one or ^{Appointment of auditors} more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

10. Subsection 5a of section 125 of the said Act, as enacted by ^{s. 125 (5a), re-enacted} the Statutes of Ontario, 1973, chapter 156, section 6, is repealed and the following substituted therefor:

(5a) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 11.—(1) Subsection 1 of section 129 of the said Act is repealed and ^{s. 129 (1), re-enacted} the following substituted therefor:

(1) When the Municipal Board has authorized the borrow- ^{Borrowing pending issue and sale of debentures} ing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 129 (2),
re-enacted

- (2) Subsection 2 of the said section 129, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 16, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 129,
amended

- (3) The said section 129, as amended by the Statutes of Ontario, 1972, chapter 78, section 16, is further amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 149 (1),
re-enacted

- 12.—**(1) Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 18, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 149,
amended

- (2) The said section 149, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19 and 1976, chapter 70, section 18, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

- 13.** Subsection 1 of section 26 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor: s. 26 (1), re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. Appointment of auditors

- 14.** Subsection 5a of section 133 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 137, section 7, is repealed and the following substituted therefor: s. 133 (5a), re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

- 15.—(1)** Subsections 1 and 2 of section 137 of the said Act are repealed and the following substituted therefor: s. 137 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality Idem

shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 137,
amended

- (2) The said section 137 is amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 158 (1),
re-enacted

- 16.—(1) Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 24, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 158,
amended

- (2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5, section 2 and 1976, chapter 70, section 24, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 26 (1),
re-enacted

17. Subsection 1 of section 26 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. Appointment
of auditors

- 18.** Subsection 5a of section 91 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 139, section 10, is repealed and the following substituted therefor: s. 91 (5a),
re-enacted

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

- 19.—**(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor: s. 94 (1, 2),
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing
pending
issue and
sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. Idem

s. 94,
amended

- (2) The said section 94 is amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 115 (1),
re-enacted

- 20.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 30, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 115,
amended

- (2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31 and 1976, chapter 70, section 30, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

(7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 26 (1),
re-enacted

- 21.** Subsection 1 of section 26 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor:

Appointment
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

22. Section 91 of the said Act is repealed and the following ^{s. 91.} substituted therefor: ^{re-enacted}

91.—(1) The Regional Council may by by-law, either ^{Current borrowings} before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time ^{Limit upon borrowings} for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon ^{Temporary application of estimates of preceding year} borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of ^{Protection of lender} borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. ^{Execution of promissory notes}

(6) The signature of the chairman or any other person ^{Idem} authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1970,
c. 118

s. 95 (1, 2),
re-enacted

23.—(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing
pending
issue and
sale of
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the

purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. Idem

(2) The said section 95 is amended by adding thereto the following subsection: s. 95, amended

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Signature of chairman, etc., may be mechanically reproduced

24.—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 36, is repealed and the following substituted therefor: s. 115(1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 3, 1974, chapter 117, section 37, and 1976, chapter 70, section 36, is further amended by adding thereto the following subsection: s. 115, amended

Application
of
R.S.O. 1970,
c. 280, s. 13

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 26 (1),
re-enacted

- 25.** Subsection 1 of section 26 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Appointment
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

s. 91,
re-enacted

- 26.** Section 91 of the said Act is repealed and the following substituted therefor:

Current
borrowings

91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
or preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by Regional Council

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1970,
c. 118

s. 95 (1, 2),
re-enacted

27.—(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor:

Borrowing
pending
issue and
sale of
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 95,
amended

(2) The said section 95 is amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such

loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 28.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted <sup>s. 115 (1),
re-enacted</sup> by the Statutes of Ontario, 1976, chapter 70, section 42, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, <sup>Application
of
R.S.O. 1970,
c. 284</sup> subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of <sup>s. 115,
amended</sup> Ontario, 1974, chapter 5, section 4, 1974, chapter 117, section 42 and 1976, chapter 70, section 42, is further amended by adding thereto the following subsection:

(6a) The Regional Corporation shall be deemed to be a <sup>Application
of
R.S.O. 1970,
c. 280, s. 13</sup> municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

- 29.** Section 138 of the said Act, as amended by the Statutes of <sup>s. 138,
amended</sup> Ontario, 1973, chapter 162, section 10, is further amended by adding thereto the following subsection:

(3) The Halton County Museum Association is deemed to <sup>County
Museum
Association
deemed
dissolved</sup> have been dissolved on the 1st day of January, 1974 and all the assets and liabilities thereof vested in the Regional Corporation.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- 30.** Subsection 1 of section 26 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed <sup>s. 26 (1),
re-enacted</sup> and the following substituted therefor:

(1) The Regional Council shall by by-law appoint one or <sup>Appointment
of
auditors</sup> more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation

and of every local board of the Regional Corporation, except school boards.

s. 91,
re-enacted

31. Section 91 of the said Act is repealed and the following substituted therefor:

Current
borrowings

91.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by

by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by Regional Council

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties
R.S.O. 1970, c. 118

32.—(1) Subsections 1 and 2 of section 95 of the said Act are repealed and the following substituted therefor: s. 95 (1, 2), re-enacted

Borrowing
pending
issue and
sale of
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 95,
amended

(2) The said section 95 is amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 115 (1),
re-enacted

33.—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 48, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 70, section 48 and 1976, chapter 84, section 2, is further amended by adding thereto the following subsection:

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*. s. 115, amended
Application of
R.S.O. 1970,
c. 280, s. 13

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

- 34.** Subsection 1 of section 26 of *The Regional Municipality of Durham Act*, 1973, being chapter 78, is repealed and the following substituted therefor: s. 26 (1),
re-enacted

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. Appointment
of auditors

- 35.** Section 99 of the said Act is repealed and the following substituted therefor: s. 99,
re-enacted

99.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. Current
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon
borrowings

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of

the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1970, c. 118

36.—(1) Subsections 1 and 2 of section 103 of the said Act are repealed and the following substituted therefor: s. 103 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. Idem

(2) The said section 103 is amended by adding thereto the following subsection: s. 103, amended

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 123 (1),
re-enacted

37.—(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 70, section 55, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 123,
amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, section 52 and 1976, chapter 70, section 55, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

(6a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 26 (1),
re-enacted

38. Subsection 1 of section 26 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor:

Appointment
of auditors

(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards.

- 39.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 95.
re-enacted

95.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. Current borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may Idem

be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

(12) Subsections 9, 10 and 11 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1970,
c. 118

s. 99 (1, 2),
re-enacted

40.—(1) Subsections 1 and 2 of section 99 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending
issue and
sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

(2) The said section 99 is amended by adding thereto the following subsection:

s. 99,
amended

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Signature
of chairman,
etc., may be
mechanically
reproduced

41.—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4 and re-enacted by 1976, chapter 70, section 61, is repealed and the following substituted therefor:

s. 119 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 41, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of
R.S.O. 1970,
c. 284

s. 119,
amended

- (2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57 and 1976, chapter 70, section 61, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

- (7a) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

MISCELLANEOUS

Commence-
ment

- 42.** This Act comes into force on the day it receives Royal Assent.

Short title

- 43.** This Act may be cited as *The Regional Municipalities Amendment Act, 1977*.

The Regional Municipalities Amendment
Act, 1977

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The District Municipality of Muskoka Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the District Council to remove the auditor for cause: a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.*

SECTION 2. The effect of the re-enactment of subsection 5a of section 106 is to permit the mechanical reproduction of the signature of the treasurer on promissory notes if the note is countersigned by some other person authorized by by-law to countersign it; the subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (5a) *The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer, or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.*

SECTION 3.—Subsections 1 and 2. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required “to meet expenditures incurred”; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed, are set out below:

- (1) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*

BILL 64

1977

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

s. 24 (1),
re-enacted

2. Subsection 5a of section 106 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 146, section 4, is repealed and the following substituted therefor:

(5a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 106 (5a),
re-enacted

- 3.—(1) Subsection 1 of section 110 of the said Act is repealed and the following substituted therefor:

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council pending the

Idem
Borrowing
pending
issue and
sale of
debentures

issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

s. 110 (2),
re-enacted

- (2) Subsection 2 of the said section 110, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 9, is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

s. 110,
amended

- (3) The said section 110, as amended by the Statutes of Ontario, 1972, chapter 52, section 9, is further amended by adding thereto the following subsection:

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 130 (1),
re-enacted

- 4.—(1) Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 71, section 6, is repealed and the following substituted therefor:

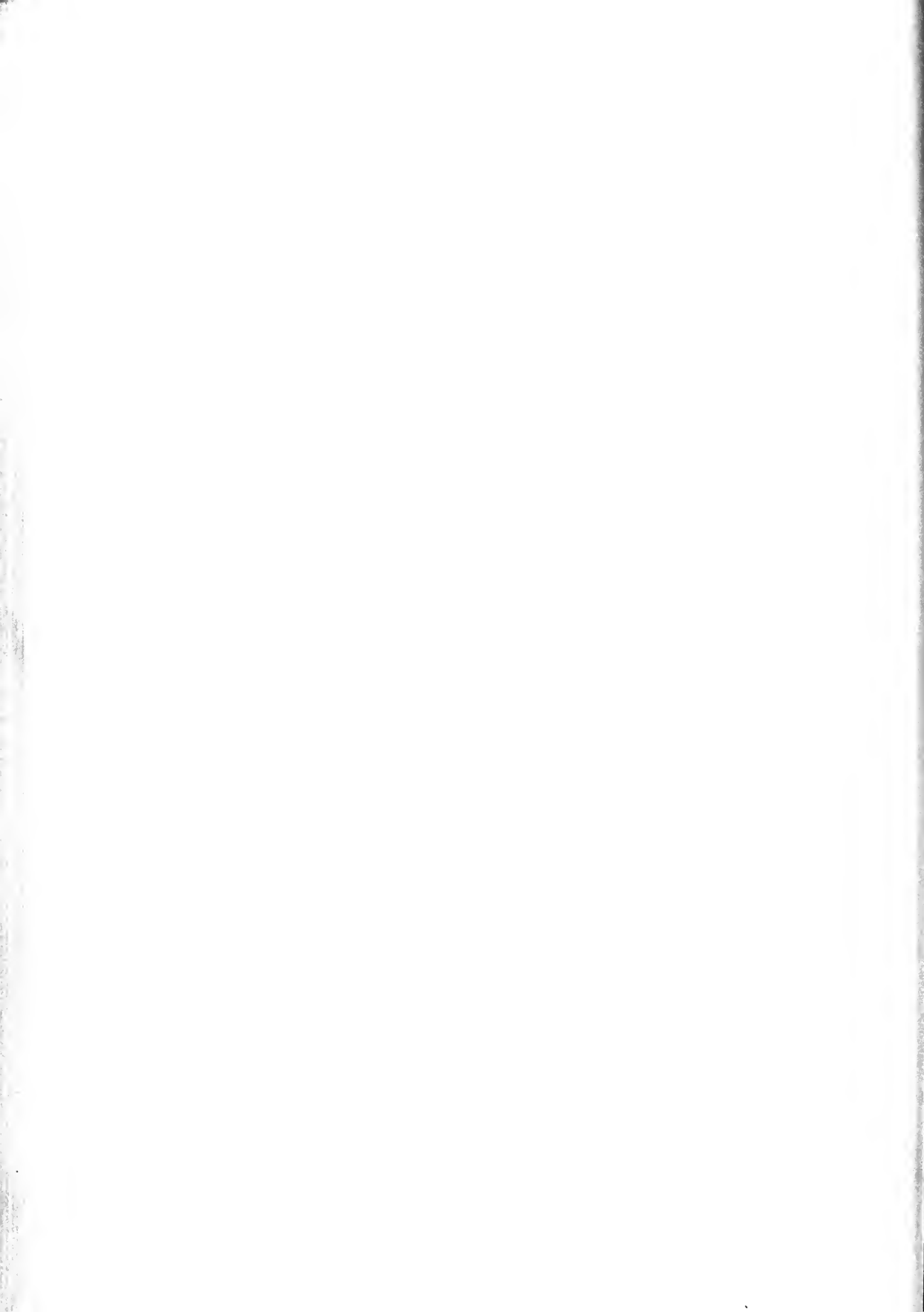
Application
of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection. 3 of section 308, section 333 and paragraphs 3, 10, 11, 12, 24 and 41 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Subsection 3. The subsection to be added will permit the signature of the chairman and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the District Corporation to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 5a is to enable the District Corporation to accept gifts or bequests of money for this and other purposes.



- (2) The said section 130, as amended by the Statutes of ^{s. 130, amended} Ontario, 1971, chapter 76, section 2 and 1976, chapter 71, section 6, is further amended by adding thereto the following subsection:

(5a) The District Corporation shall be deemed to be a ^{Application of} municipal corporation for the purposes of section 13 of *The R.S.O. 1970, c. 280, s. 13* *Mortmain and Charitable Uses Act*.

5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
6. This Act may be cited as *The District Municipality of Muskoka* ^{Short title} *Amendment Act, 1977*.

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The County of Oxford Act, 1974**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the County Council to remove the auditor for cause; a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.*

SECTION 2. Section 90 of the Act now reads as follows:

90.—(1) *Section 332 of The Municipal Act applies mutatis mutandis to the County.*

- (2) *In 1975, for the purposes of subsection 4 of section 332 of The Municipal Act, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.*

The effect of the re-enactment is to replace the cross-reference to *The Municipal Act* provisions regarding temporary borrowing for current purposes, with this newly-written section. It is substantially the same as *The Municipal Act* provisions, but removes the requirement that the County treasurer provide to the lender a copy of the borrowing by-law, a statement showing the amount of the year's uncollected revenues and also the amount of any unpaid temporary borrowings. In addition, the re-enactment allows the mechanical signature of promissory notes by the warden, and where authorized by by-law, mechanical signature by the County treasurer.

BILL 65

1977

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 26 of *The County of Oxford Act, 1974*, s. 26 (1),
re-enacted being chapter 57, is repealed and the following substituted therefor:

(1) The County Council shall by by-law appoint one or Appointment
of auditors more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the County Council and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

2. Section 90 of the said Act is repealed and the following substituted therefor: s. 90,
re-enacted

90.—(1) The County Council may by by-law, either before Current
borrowings or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the warden and treasurer to borrow from time to time by way of promissory note such sums as the County Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the County for the year, including the amounts required for principal and interest falling due within the year upon any debt of the County and the sums required by law to be provided by the County Council for any local board of the County.

(2) The amount that may be borrowed at any one time Limit upon
borrowings for the purposes mentioned in subsection 1, together with borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues

of the County as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of previous
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the County as set forth in the estimates adopted for the next preceding year.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the County and signed by the warden or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the warden or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The County Council may by by-law provide or authorize the warden and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the County for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the warden and treasurer.

Penalties
for excess
borrowings

(9) If the County Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

SECTION 3.—Subsection 1. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required “to meet expenditures incurred”; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed, are set out below:

- (1) *Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*

Subsection 2. The subsection to be added will permit the signature of the warden and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

(10) If the County Council authorizes the application of any revenues of the County charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by County Council

(11) If any member of the County Council or officer of the County knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(12) Subsections 9, 10 and 11 do not apply to the County Council or any member of the County Council or officer of the County acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the County is made with the consent of the lender in whose favour a charge exists.

Saving as to penalties

R.S.O. 1970, c. 118

3.—(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor:

s. 94 (1, 2), re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

s. 94,
amended

- (2) The said section 94 is amended by adding thereto the following subsection:

Signature
of warden,
etc., may be
mechanically
reproduced

(6) The signature of the warden or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 114 (1),
re-enacted

- 4.—(1) Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 73, section 11, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

s. 114,
amended

- (2) The said section 114, as amended by the Statutes of Ontario, 1974, chapter 118, section 3 and 1976, chapter 73, section 11, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

(3a) The County shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The County of Oxford Amendment Act, 1977*.

SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the County to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 3a is to enable the County to accept gifts or bequests of money for this and other purposes.



BILL 65

An Act to amend
The County of Oxford Act, 1974

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The County of Oxford Act, 1974**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the County Council to remove the auditor for cause; a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.*

SECTION 2. Section 90 of the Act now reads as follows:

- 90.—(1) *Section 332 of The Municipal Act applies mutatis mutandis to the County.*
- (2) *In 1975, for the purposes of subsection 4 of section 332 of The Municipal Act, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.*

The effect of the re-enactment is to replace the cross-reference to *The Municipal Act* provisions regarding temporary borrowing for current purposes, with this newly-written section. It is substantially the same as *The Municipal Act* provisions, but removes the requirement that the County treasurer provide to the lender a copy of the borrowing by-law, a statement showing the amount of the year's uncollected revenues and also the amount of any unpaid temporary borrowings. In addition, the re-enactment allows the mechanical signature of promissory notes by the warden, and where authorized by by-law, mechanical signature by the County treasurer.

BILL 65

1977

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 26 of *The County of Oxford Act, 1974*, <sup>s. 26 (1),
re-enacted</sup> being chapter 57, is repealed and the following substituted therefor:

(1) The County Council shall by by-law appoint one or <sup>Appointment
of auditors</sup> more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the County Council and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

2. Section 90 of the said Act is repealed and the following sub- <sup>s. 90,
re-enacted</sup> stituted therefor:

90.—(1) The County Council may by by-law, either before <sup>Current
borrowings</sup> or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the warden and treasurer to borrow from time to time by way of promissory note such sums as the County Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the County for the year, including the amounts required for principal and interest falling due within the year upon any debt of the County and the sums required by law to be provided by the County Council for any local board of the County.

(2) The amount that may be borrowed at any one time <sup>Limit upon
borrowings</sup> for the purposes mentioned in subsection 1, together with borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues

of the County as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of previous
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the County as set forth in the estimates adopted for the next preceding year.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the County and signed by the warden or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the warden or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The County Council may by by-law provide or authorize the warden and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the County for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the warden and treasurer.

Penalties
for excess
borrowings

(9) If the County Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

SECTION 3.—Subsection 1. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required "to meet expenditures incurred"; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed, are set out below:

- (1) *Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.*

Subsection 2. The subsection to be added will permit the signature of the warden and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

(10) If the County Council authorizes the application of any revenues of the County charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by County
Council

(11) If any member of the County Council or officer of the County knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(12) Subsections 9, 10 and 11 do not apply to the County Council or any member of the County Council or officer of the County acting under an order or direction issued or made under the authority of *The Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the County is made with the consent of the lender in whose favour a charge exists.

Saving
as to
penalties

R.S.O. 1970,
c. 118

3.—(1) Subsections 1 and 2 of section 94 of the said Act are repealed and the following substituted therefor:

s. 94 (1, 2),
re-enacted

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending
issue and
sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Idem

s. 94,
amended

- (2) The said section 94 is amended by adding thereto the following subsection:

Signature
of warden,
etc., may be
mechanically
reproduced

(6) The signature of the warden or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 114 (1),
re-enacted

- 4.—(1) Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 73, section 11, is repealed and the following substituted therefor:

Application
of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 41, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

s. 114,
amended

- (2) The said section 114, as amended by the Statutes of Ontario, 1974, chapter 118, section 3 and 1976, chapter 73, section 11, is further amended by adding thereto the following subsection:

Application
of
R.S.O. 1970,
c. 280, s. 13

(3a) The County shall be deemed to be a municipal corporation for the purposes of section 13 of *The Mortmain and Charitable Uses Act*.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The County of Oxford Amendment Act, 1977*.

SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the County to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 3a is to enable the County to accept gifts or bequests of money for this and other purposes.

BILL 03

An Act to amend
The County of Oxford Act, 1974

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to remove the requirement of a two-thirds vote of the Metropolitan Council to remove the auditor for cause: a simple majority will now suffice. The subsection to be re-enacted, showing underlined the requirement to be dropped, is set out below:

- (1) *The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation, except The Metropolitan Toronto School Board.*

SECTION 2.—Subsection 1. The effect of the re-enactment of subsection 1 of section 217 is to permit temporary borrowing for current purposes until the "levies and other revenues are received"; the subsection now permits such borrowing until the levies are received. The subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (1) *The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation, and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.*

BILL 66

1977

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 54, section 1, is repealed and the following substituted therefor:

s. 22 (1),
re-enacted

(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation, except The Metropolitan Toronto School Board.

Appointment
of auditors

- 2.—(1) Subsection 1 of section 217 of the said Act is repealed and the following substituted therefor:

s. 217 (1),
re-enacted

(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.

Current
borrowings

s. 217 (6a),
re-enacted

- (2) Subsection 6a of the said section 217, as enacted by the Statutes of Ontario, 1973, chapter 171, section 6, is repealed and the following substituted therefor:

Idem

(6a) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

s. 222 (1, 2),
re-enacted

- 3.—(1) Subsections 1 and 2 of section 222 of the said Act are repealed and the following substituted therefor:

Borrowing
pending
issue and
sale of
debentures

(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.

s. 222,
amended

- (2) The said section 222 is amended by adding thereto the following subsection:

Signature of
chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy

Subsection 2. The effect of the re-enactment of subsection 6a of section 217 is to permit the mechanical reproduction of the signature of the treasurer on promissory notes if the note is countersigned by some other person authorized by by-law to countersign it; the subsection in the form in which it is proposed to be re-enacted, showing underlined the words to be added, is set out below:

- (6a) *The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.*

SECTION 3.—Subsection 1. The effect of the re-enactment of the two subsections is to remove the restriction that temporary borrowings pending the sale of debentures be limited to those required “to meet expenditures incurred”; such borrowings will now be permitted where they are for any purpose authorized by the Municipal Board in approving the debentures. The two subsections to be re-enacted, showing underlined the restriction to be removed are set out below:

- (1) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.*
- (2) *When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.*

Subsection 2. The subsection to be added will permit the signature of the chairman and, under the conditions indicated, of the treasurer, to be mechanically reproduced on loan agreements under which temporary borrowings are obtained.

SECTION 4. The effect of the re-enactment of subsection 1 is to add a reference to paragraph 41 of section 352 of *The Municipal Act*; this will permit the Metropolitan Corporation to pay rewards to persons who supply information leading to the apprehension or conviction of persons guilty of any offence.

The effect of the added subsection 9 is to enable the Metropolitan Corporation to accept gifts or bequests of money for this and other purposes.

SECTION 5. The effect of the re-enactment is to remove the requirement of a three-fourths vote of the Metropolitan Council to authorize payments for entertaining guests and travelling on civic business; a simple majority vote will now suffice. Section 242a as it now reads, showing underlined the words to be deleted, is set out below:

242a. *The Metropolitan Council may, by a vote of three-fourths of the members of the Council present and voting, expend in any year such sum as it may determine for the purposes set out in section 394 of The Municipal Act.*

treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

- 4.—(1) Subsection 1 of section 241 of the said Act, as re-enacted <sup>s. 241 (1),
re-enacted</sup> by the Statutes of Ontario, 1976, chapter 72, section 7, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections <sup>Application
of</sup> 242a, 248a and 249, subsection 3 of section 308, and paragraphs 3, 10, 11, 12, 24, 29, 41 and 42 of section 352 of <sup>R.S.O. 1970,
c. 284</sup> *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

- (2) The said section 241, as amended by the Statutes of <sup>s. 241,
amended</sup> Ontario, 1976, chapter 72, section 7, is further amended by adding thereto the following subsection:

(9) The Metropolitan Corporation shall be deemed to be a <sup>Application
of</sup> municipal corporation for the purposes of section 13 of <sup>R.S.O. 1970,
c. 280, s. 13</sup> *The Mortmain and Charitable Uses Act*.

5. Section 242a of the said Act, as enacted by the Statutes of <sup>s. 242a,
re-enacted</sup> Ontario, 1971, chapter 7, section 3, is repealed and the following substituted therefor:

242a. The Metropolitan Council may expend in any year such sum as it may determine for the purposes set out in <sup>Expenses for
entertaining
guests and for
travelling
on civic
business</sup> section 394 of *The Municipal Act*.

6. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
7. This Act may be cited as *The Municipality of Metropolitan* ^{Short title} *Toronto Amendment Act, 1977*.

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. Section 38 of the Act sets out the circumstances under which the seat of a member of council becomes vacant and it now reads as follows:

38. *The seat of a member of council becomes vacant if,*

- (a) *he becomes disqualified from holding the office of a member of council under section 36;*
- (b) *he has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;*
- (c) *he absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;*
- (d) *he files his resignation with the clerk of the municipality as provided in subsection 6 of section 90 of The Municipal Elections Act, 1972, for the purpose of becoming a candidate for some other office;*
- (e) *he resigns from his office and his resignation is effective under section 40;*
- (f) *he is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;*
- (g) *his office is declared vacant in any judicial proceedings; or*
- (h) *he forfeits his office under this or any other Act.*

The added clause *i* is designed to make it clear that death creates a vacancy if it occurs prior to accepting office and taking the prescribed declarations.

SECTION 2. Section 198 of the Act now reads as follows:

198. *No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council.*

The restructuring of this section is consequential on the proposed amendment to section 388 of the Act, as to which see the note to section 6 of the Bill.

SECTION 3. Section 245 of the Act now reads as follows:

245. *Notwithstanding any other provision in this Act or any general or special Act,*

- (a) *the fiscal year of every municipality and local board, as defined in The Municipal Affairs Act, is the calendar year from the 1st day of January to the 31st day of December; and*
- (b) *the accounts referred to in section 231 are those of the next preceding fiscal year.*

The added subsections 2, 3 and 4 govern municipal hospitals and fix their fiscal year as that prescribed under *The Public Hospitals Act*, being the 1st day of April to the 31st day of March. Dates are also set out for the submission of estimates, annual reports and statements.

BILL 67

1977

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is amended by striking out "or" at the end of clause *g*, by adding "or" at the end of clause *h* and by adding thereto the following clause:

(i) he dies, whether prior or subsequent to accepting office and making the prescribed declarations.

2. Section 198 of the said Act is repealed and the following substituted therefor:

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to annual allowances to members of council or to allowances for attendance at meetings to be fixed by by-law pursuant to clauses *a* and *b* of subsection 1 of section 388.

3. Section 245 of the said Act is repealed and the following substituted therefor:

245.—(1) Subject to subsection 2 but notwithstanding any other provision in this Act or any general or special Act, the fiscal year of every municipality and local board, as defined in *The Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December and the accounts referred to in section 231 are those of the next preceding fiscal year.

(2) The fiscal year of every public hospital owned by the corporation of a municipality shall be the fiscal year of a public hospital as prescribed under *The Public Hospitals Act*.

Annual
statement
or report

R.S.O. 1970,
c. 378

(3) Notwithstanding the provisions of this or any general or special Act where an estimate of expenditures, revenue or capital or an annual statement or report, including a report of an auditor, in respect of a public hospital mentioned in subsection 2 is required to be prepared by the provisions of any special Act, such estimate, statement or report shall be prepared in respect of the fiscal year as prescribed under *The Public Hospitals Act* and not in respect of the calendar year and the date upon or prior to which such an estimate shall be prepared and certified for the consideration of a board of control or a council of a municipality shall be the 1st day of March in each year, or such other date as the council may by by-law provide, and the date upon or prior to which such annual report or statement shall be prepared and submitted to a board of control or a council of a municipality shall be the 15th day of May or such other date as the council may by by-law provide.

Application
of s. 307 (1)

(4) Notwithstanding the provisions of this or any general or special Act, where the council of a municipality has considered the estimates of a public hospital referred to in subsection 3 and has determined the sum to be levied by it for the purposes of such hospital for the fiscal year of the hospital, that sum shall be deemed to be the sum required by law to be provided by the council for the hospital for purposes of subsection 1 of section 307.

s. 293 (3) (e),
repealed

4.—(1) Clause *e* of subsection 3 of section 293 of the said Act is repealed.

s. 293 (3),
amended

(2) Subsection 3 of the said section 293, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3 and 1976, chapter 69, section 4, is further amended by adding thereto the following clauses:

R.S.O. 1970,
c. 213

(n) pursuant to section 16 of *The Housing Development Act* respecting the acquisition of land for housing purposes; or

(o) by the council of a local municipality for providing money for the paving or repaving of highways and the construction, reconstruction or reflooring of bridges, under the jurisdiction of the council of the municipality or under the joint jurisdiction of the council of the municipality and the council of another municipality.

s. 354 (1),
amended

5. Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

SECTION 4.—Subsection 1. The clause that is proposed to be repealed specifies a by-law that does not require the assent of the electors and now reads as follows:

(e) by the council of a city with the approval of the Municipal Board for providing such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream that constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be provided for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or

In expanded form the provision will now appear as clause *o* of subsection 3 of section 293; see the note to subsection 2 of this section.

Subsection 2. The clauses added specify additional by-laws that may be passed by municipalities without the assent of the electors.

SECTION 5. Section 354 of the Act sets out many classes of by-laws that may be passed by the councils of local municipalities; the added paragraph 26*a* empowers such municipalities to pass by-laws for the purposes specified.

SECTION 6. Section 388 of the Act now reads as follows:

- 388.—(1) *The council of a municipality may pass by-laws for paying the members of council for attendance at meetings of council or of its committees such per diem rate as the council may determine.*
- (2) *Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings.*
- (3) *In the case of a council of a county or a township, the by-law may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings.*
- (4) *The head of the council of a municipality may be paid for his services as a member of any public utility commission the same per diem rate as is determined by the council under subsection 1.*

The effect of the re-enactment of subsection 1 is to permit the council of a municipality to provide for the payment to its members of a *per diem* rate for attendance at meetings related to municipal business, but the payment for attendance at which is not otherwise authorized under *The Municipal Act* or any other general or special Act. The re-enactment of the other subsections is consequential.

26a. For adopting and participating in an emergency fire service plan and program established by the fire co-ordinator of a regional, district or metropolitan municipality, or by a county or district fire co-ordinator, upon such terms and conditions as the council considers appropriate, provided that notwithstanding the provisions of any such plan and program, no liability accrues to a municipality for failing to supply the use of fire fighting equipment in accordance with the plan and program.

Emergency
fire service
plan

6. Section 388 of the said Act is repealed and the following substituted therefor:

s. 388.
re-enacted

388.—(1) The council of a municipality may pass by-laws,

Remunera-
tion of
councillors

(a) for paying the members of council for attendance at meetings of council or of its committees such *per diem* rate as the council may determine;

(b) for paying the members of council such *per diem* rate as council may determine for attendance, when such attendance is authorized by resolution of council, at meetings, whether held within or outside the boundaries of the municipality, other than meetings of any other body in respect of which the members of council are paid remuneration pursuant to this or any general or special Act.

1. A by-law passed pursuant to this clause may define a class or classes of meetings in respect of which a *per diem* rate may be paid and may authorize payment of a *per diem* rate only in respect of such class or classes of meetings.

2. For the purpose of this clause "attendance at meetings" includes attendance at any place for the purpose of pursuing any matter in the interests of the municipality.

(2) Where a member of a council is paid remuneration under section 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings referred to in clauses *a* and *b* of subsection 1.

Where
member
receives
salary

(3) In the case of a council of a county or a township, a by-law passed pursuant to clause *a* or *b* of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings.

Mileage
allowance

Fees to
head of
council on
public
utility
commission

(4) The head of the council of a municipality may be paid for his services as a member of any public utility commission the same *per diem* rate as is determined by the council under clause *a* of subsection 1.

s. 455,
re-enacted

7. Section 455 of the said Act is repealed and the following substituted therefor:

Purchasing
or renting
machinery

455.—(1) Subject to subsection 2, the council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

Purchase of
road-making
machinery

(2) Where a by-law is passed by the council of a municipality under subsection 1 for the purchase of road-making machinery or appliances, the by-law may provide for the borrowing of money for the purpose of paying the purchase price for any period not exceeding ten years and for issuing debentures for the money so borrowed or for issuing to the vendor debentures payable within that period in payment of the purchase money.

s. 527 (10),
re-enacted

8. Subsection 10 of section 527 of the said Act is repealed and the following substituted therefor:

Disposition
of part
payment of
taxes

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes, and, where such taxes are required to be paid by instalments under a by-law passed under subsection 1, the remainder of such payment shall be credited first against the instalment first due and secondly against the instalment next due, and so on, until the whole of the remainder of the payment has been credited against such taxes.

s. 542,
re-enacted

9. Section 542 of the said Act is repealed and the following substituted therefor:

Receiving
payment on
account of
arrears

542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes

SECTION 7. Section 455 now reads as follows:

455. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

The effect of the re-enactment is to extend from five years to ten years the period over which moneys borrowed for the purchase of road-making machinery may be repaid.

SECTION 8. Subsection 10 of section 527 of the Act now reads as follows:

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

The effect of the re-enactment is to provide that where part payment of taxes due for any year are received, after crediting the payment first on account of interest and penalty charges if any, the remainder is to be credited firstly against those instalments longest overdue.

SECTION 9. Section 542 of the Act now reads as follows:

542. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after a warrant has issued for the sale of the land for taxes.

The re-enactment is to the same effect as that in section 8 of the Bill and relates to partial payment of taxes in arrears; that is provision is made for applying the partial payment firstly against the arrears of taxes longest outstanding.

and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time; but no such payment shall be received after a warrant has issued for the sale of the land for taxes.

10.—(1) This Act, except section 3, comes into force on the day ^{Commence-}
it receives Royal Assent. _{ment}

(2) Section 3 shall be deemed to have come into force on the ^{Idem}
1st day of January, 1977.

11. This Act may be cited as *The Municipal Amendment Act, 1977*. ^{Short title}

An Act to amend
The Municipal Act

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Public Utilities Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. The subsection to be re-enacted now reads as follows:

- (3) *In default of payment the corporation may shut off the supply but the rents or rates in default are, nevertheless, recoverable.*

The effect of the re-enactment is to provide that a municipal public utility must give forty-eight hours notice before shutting off the supply for default in payment. In addition, if the person to whom the utility is being supplied is not the owner of the premises, then notice must similarly be given to the owner.

SECTION 2. Section 59 of the Act now reads as follows:

59. *If any person supplied with any public utility neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours previous notice, may stop the supply from entering the premises of the person by cutting off the service pipes or by such other means as the company or its officers consider proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time.*

The subsection to be added is to the same effect as the amendment proposed by section 1 of the Bill and is applicable to company public utilities.

BILL 68

1977

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 27 of *The Public Utilities Act*, being chapter 390 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 27 (3),
re-enacted

(3) In default of payment, the corporation may, on giving forty-eight hours notice to the person to whom the public utility is being supplied, shut off the supply, but the rents or rates in default are, nevertheless, recoverable. Power to
shut off
supply

(3a) Where the person to whom the public utility is being supplied is not the owner of the premises and notice is given under subsection 3, the notice shall also be given to the owner of the premises at the same time and in the same manner as to the person to whom the public utility is being supplied. Notice to
owner of
premises

2. Section 59 of the said Act is amended by adding thereto the following subsection: s. 59,
amended

(2) Where the person to whom any public utility is being supplied is not the owner of the premises and notice is given under this section, then notice shall also be given to the owner of the premises at the same time and in the same manner as to the person to whom the public utility is being supplied. Notice to
owner of
premises

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Public Utilities Amendment Act*, 1977. Short title

BILL 68

An Act to amend
The Public Utilities Act

1st Reading

** April 28th, 1977*

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

EXPLANATORY NOTES

SECTION 1. Section 21 of the Act now reads as follows:

21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.

The added subsection 2 is intended to make it clear that the City when it was newly incorporated on the 1st day of January, 1973, had vested in it the right to collect arrears of education taxes then outstanding in respect of lands that formed unorganized territory prior to their annexation to the City. The new subsection 3 requires the City to pay the amount of all such tax arrears to the appropriate boards of education that had levied the tax. The new subsection 4 confirms that the City has and has always had the right to proceed under the tax arrears certificate provisions of *The Municipal Affairs Act* in the recovery of taxes owing.

SECTION 2. This is a saving provision to protect the rights of any persons who have commenced any action or proceeding, prior to the day this Act comes into force, in respect of the tax arrears certificate registration procedures.

BILL 69

1977

**An Act to amend
The City of Timmins-Porcupine Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The City of Timmins-Porcupine Act, 1972*, being chapter 117, is amended by adding thereto the following subsections:
 - (2) All interests of The Timmins Board of Education and The Timmins District Roman Catholic Separate School Board in respect of education tax arrears and accumulated interest thereon uncollected as of the 1st day of January, 1973, shall be deemed to have become assets of the City, without compensation, on the 1st day of January, 1973. Interest in
tax arrears
vested in
City
 - (3) The City shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The Timmins Board of Education and The Timmins District Roman Catholic Separate School Board. Payment of
arrears
 - (4) In addition to any other remedy possessed by the City for the recovery of taxes collectable by it, the City has and shall be deemed to always have had the right to recover the taxes and accumulated interest owing to it, including those education tax arrears and accumulated interest mentioned in subsection 1, under the procedures provided for in Part III of *The Municipal Affairs Act*. Right of
City to
recover
arrears of
taxes
2. Subsection 4 of section 21 of *The City of Timmins-Porcupine Act, 1972*, as enacted by section 1 of this Act, does not affect or prejudice any right of any person in any action, litigation or other proceeding commenced on or before the day this Act comes into force, and any such action, litigation or other proceeding may be continued and finally adjudicated upon to the same extent as if this Act had not been passed. Saving

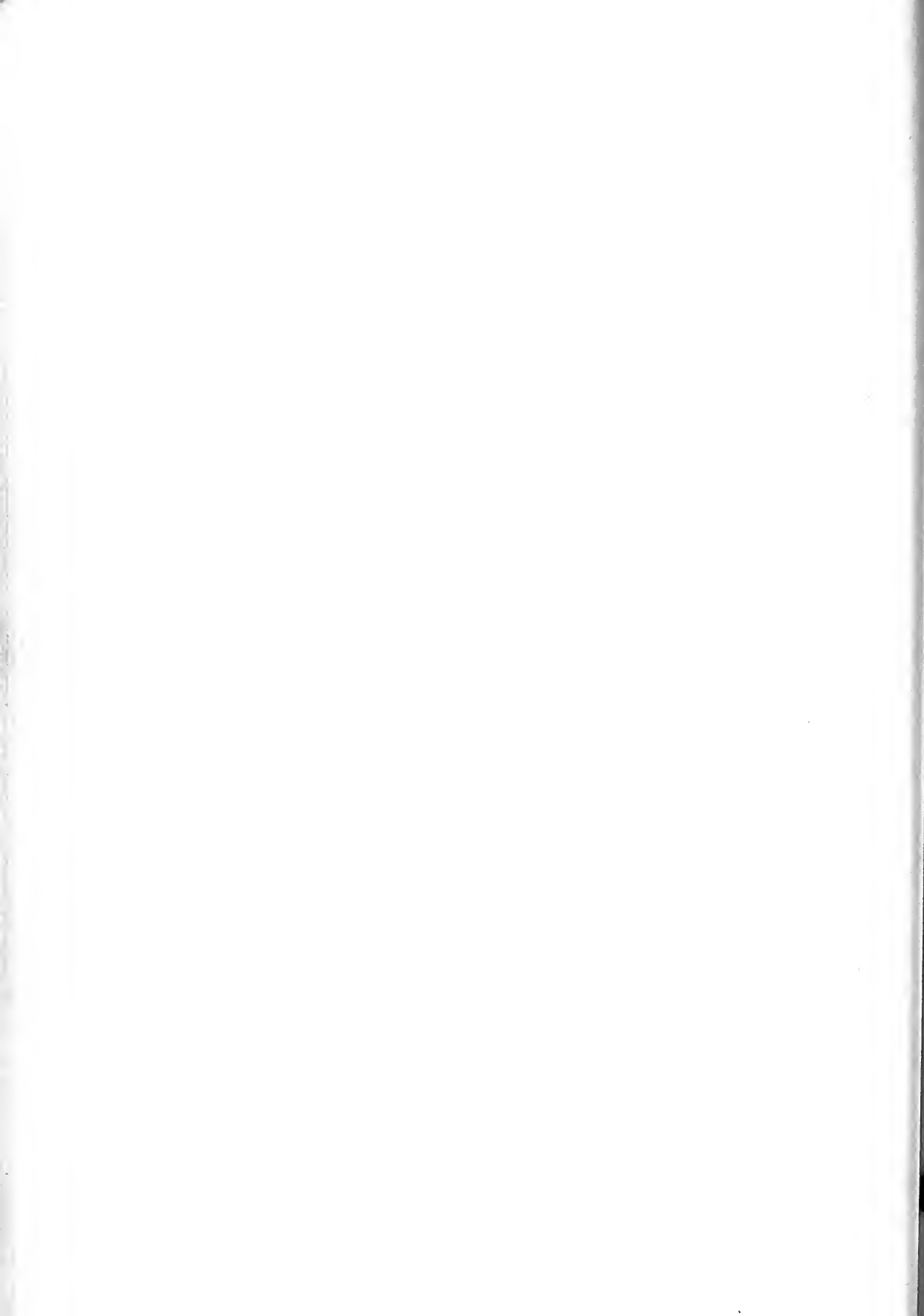
R.S.O. 1970,
c. 118

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Timmins-Porcupine Amendment Act, 1977*.



An Act to amend
The City of Timmins-Porcupine Act, 1972

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Pension Benefits Act

MR. BAIN

EXPLANATORY NOTE

This Bill requires employer disclosure of current actuarial details of a registered pension plan to actual and potential employee members in that plan.

BILL 70

1977

An Act to amend The Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 23d, 23e, enacted

23d.—(1) Every employee, or his agent authorized in writing, who is, Employee's right of inspection

- (a) a member of;
- (b) required to become a member of; or
- (c) eligible to become a member of,

a registered pension plan may inspect and make extracts from the pension plan or any documents relating thereto.

(2) For the purposes of subsection 1, the following information shall be made available at the offices of the Commission or the administrator of the pension plan during normal business hours, Information to be made available

- (a) the provisions of the pension plan;
- (b) any amendments to the plan;
- (c) the annual pension plan information return;
- (d) the latest actuarial valuation showing,
 - (i) the official name of the plan,
 - (ii) the employer and employee contributions required for future service,
 - (iii) the balance of all actuarial deficiencies or liabilities,

- (iv) the annual special contributions required to liquidate such unfunded liabilities,
- (v) the amortization periods, and
- (vi) the surplus, if any; and
- (e) in the case of uninsured plans, the latest financial statements.

Employer's
duty to
provide
benefit
information
re pension
plan to
employees

23c.—(1) Every employer shall provide to each employee who is eligible or required to become a member of a registered pension plan, with reference to the benefits available to him under the terms of the plan,

- (a) a written explanation of the terms and conditions of the plan applicable to the employee;
- (b) a written explanation of the rights and duties of the employee; and
- (c) such other information as may be prescribed by the regulations,

on or before the date such employee is eligible or required to become a member.

Information
to be made
available
within six
months of
qualification
date

(2) Within six months after the qualification date in respect of the employment in Ontario, every employer of employees in Ontario covered by a pension plan that was in effect on the qualification date in respect of employment in Ontario shall provide the explanation and information mentioned in subsection 1 including an explanation and information respecting any amendments made to the pension plan which affect the members of the pension plan to each member of the pension plan and to each employee eligible for membership in the plan.

Information
to be made
available
within six
months of
new plan

(3) Within six months after a pension plan is established, every employer shall provide the explanation and information referred to in subsection 1 respecting the pension plan to each member of the plan and to each employee eligible for membership in the plan.

Information
to be made
available
within six
months of
amendment

(4) Within six months after a pension plan is amended, the employer shall provide the explanation and information referred to in subsection 1 respecting the pension plan as amended to each member affected by the amendment and to each employee eligible for membership in the plan.

(5) Every employer shall provide an employee who, upon termination of employment or termination of membership in a pension plan, becomes entitled to an immediate or deferred pension benefit with a written statement showing the benefits to which he is entitled or to which he may become entitled.

Information
to employee
terminating
employment

(6) Within nine months after the end of each fiscal year every employer shall provide to each employee who is a member of, eligible for membership in or required to become a member of a registered pension plan, the following statistical and financial information,

Statistical
and
financial
information

(a) for all plans,

(i) the total contributions made into the plan by the members during the fiscal year,

(ii) the net total contributions made into the plan by the employer during the fiscal year; and

(b) for all plans where the instrument of underwriting is a segregated fund contract with an insurance company, a pension trust fund with a corporate trustee or a pension trust fund with individual trustees, a financial statement which will indicate,

(i) the balance in the fund at the previous fiscal year end,

(ii) the income of the fund during the fiscal year showing separately the total contributions made into the plan by the members and the total net contributions made by the employer during the fiscal year,

(iii) the expenditures from the fund during the fiscal year and showing separately, pension payments, cash withdrawals on death or termination of employment 'and administration costs, and

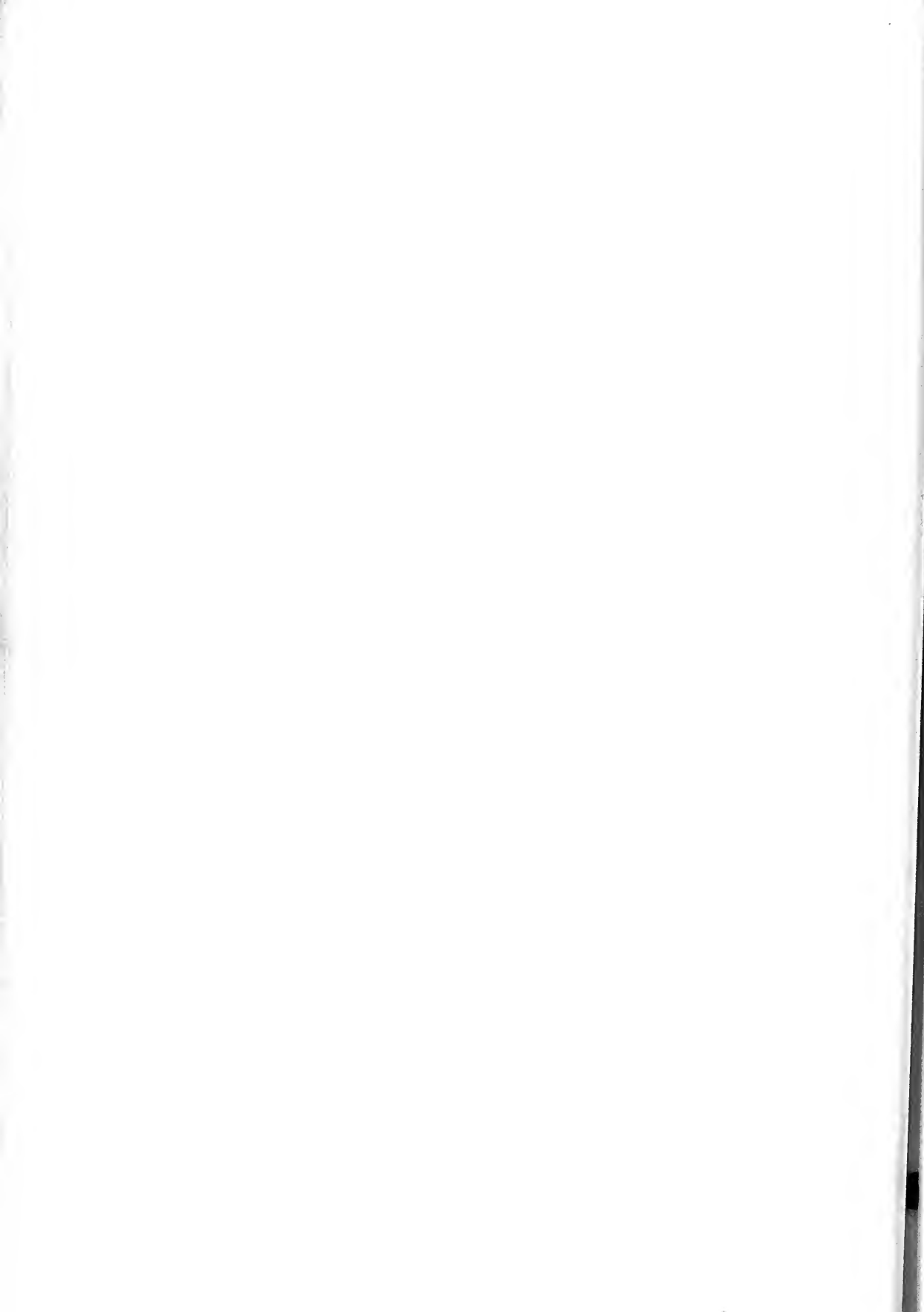
(iv) the balance in the fund at the fiscal year end.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Pension Benefits Amendment Act, 1977*.

Short title



An Act to amend
The Pension Benefits Act

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. BAIN

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to require a Single Price for Gasoline and
Heating Oil sold in Ontario by a Wholesaler**

MR. LANE

T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to require a wholesaler of gasoline and heating oil in Ontario to sell his gasoline or heating oil product at a single price throughout the province thereby preventing the wholesaler from charging a higher price in certain regions.

BILL 71

1977

**An Act to require a Single Price for
Gasoline and Heating Oil sold in
Ontario by a Wholesaler**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "gasoline" means any gas or liquid that may be used for the purpose of generating power by means of internal combustion and includes any substance added thereto, but does not include the following products, except when any such product is mixed or combined with gasoline,

(i) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,

(ii) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene,

(iii) natural or manufactured gas, or any product that is commonly known as a liquefied petroleum gas, when any of them is purchased exclusively for use otherwise than to supply power to propel any vehicle of any kind on a highway within the meaning of *The Highway Traffic Act*;

R.S.O. 1970,
c. 202

(b) "heating oil" means any petroleum product used for the purpose of heating a residential home;

(c) "retailer" means a person who sells gasoline or heating oil for use by a purchaser and not for resale;

(d) "uniform gasoline price" means the lowest price charged for gasoline per imperial gallon by each wholesaler to a retailer in Ontario in respect of gasoline supplied by such wholesaler;

(e) "uniform heating oil price" means the lowest price charged for heating oil per imperial gallon by each wholesaler to a retailer in Ontario in respect of heating oil supplied by such wholesaler;

(f) "wholesaler" means a person who sells gasoline or heating oil for the purpose of resale.

Gasoline
to be sold
at uniform
price in
Ontario

2.—(1) Subject to subsection 2, no wholesaler shall sell gasoline or heating oil in Ontario for a price higher than the uniform gasoline price or uniform heating oil price, as the case may be, as determined by the wholesaler.

Exception

(2) The Minister may, by order, make exceptions to subsection 1.

Liability
of
wholesaler

3. Where, contrary to section 2, a wholesaler has derived excess revenue by charging a price for gasoline or heating oil higher than the uniform gasoline price or uniform heating oil price, as the case may be, he is liable to return to the person or persons from whom he derived the excess revenue an amount equal to the whole of the excess revenue derived from such person or persons.

Offence

4.—(1) Every wholesaler who contravenes section 2 and every director or officer of a wholesaler who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation

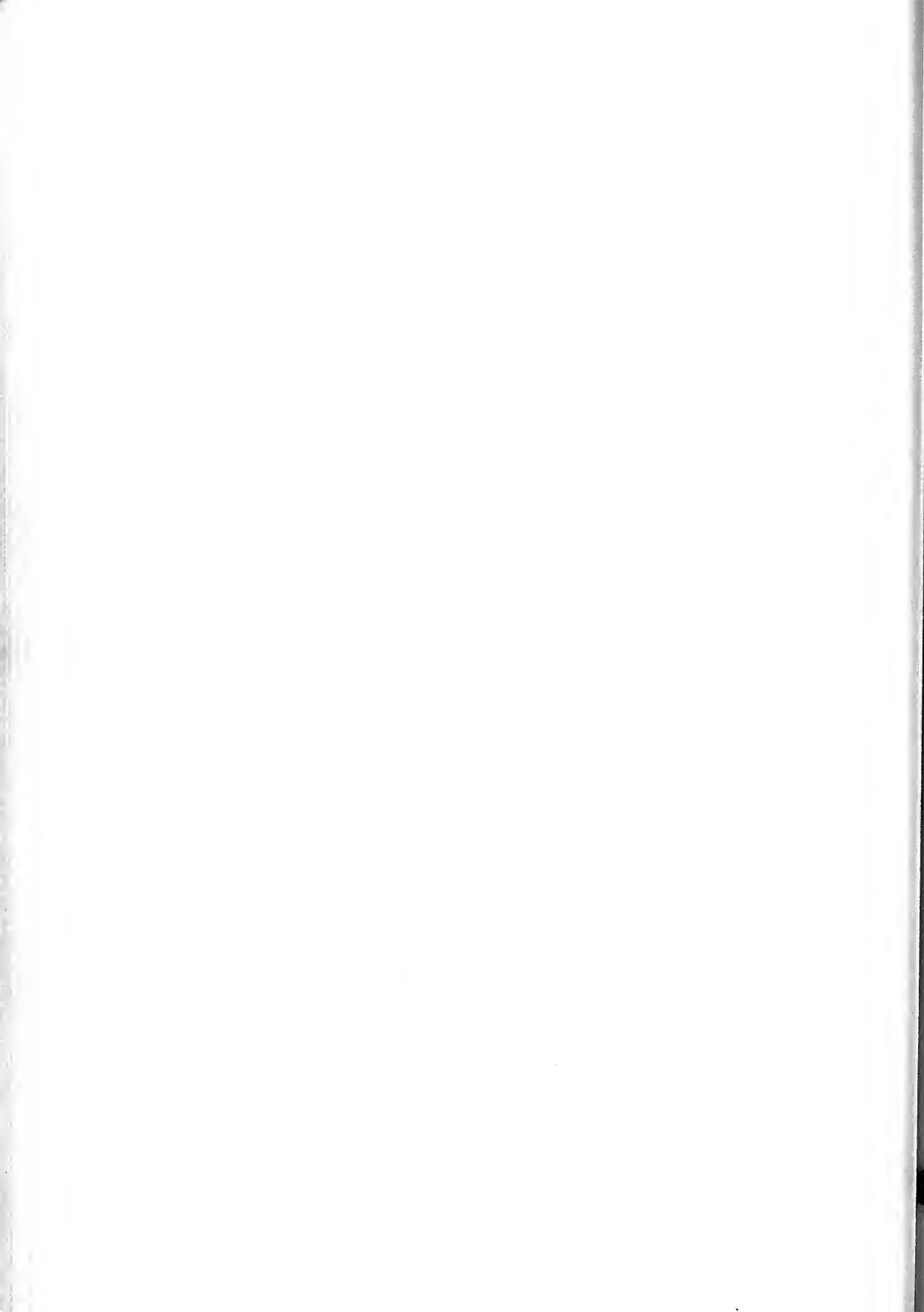
(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Gasoline and Heating Oil Uniform Pricing Act, 1977*.



An Act to require a Single Price for
Gasoline and Heating Oil sold in
Ontario by a Wholesaler

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. LANE

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Condominium Act

MR. WILDMAN

EXPLANATORY NOTE

This Bill amends *The Condominium Act* to enable mobile home parks to be registered as condominium projects. The Bill also clarifies the existing law by stating that a designated unit can consist of vacant land.

This Bill, thereby, provides for flexibility in the development of mobile home condominium projects by enabling a developer to choose between designating a mobile home as a unit in itself or, alternately, designating a vacant lot as a unit upon which a mobile home may be placed.

An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *b* and *r* of subsection 1 of section 1 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1 (1) (*b*, *r*),
re-enacted

(*b*) “buildings” means the buildings included in a property and includes a mobile home where the mobile home is affixed to the land;

.

(*r*) “unit” means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered and may consist of vacant land not contained within a building.

- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 133, section 1, is further amended by adding thereto the following clause: s. 1 (1),
amended

(*ka*) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

2. Subsection 2 of section 3 of the said Act is amended by adding thereto the following clause: s. 2 (3),
amended

(*na*) a specification of the nature or type of structure which may be built or placed upon a unit where

the unit consists of vacant land not contained within a building; and

s. 4 (1),
re-enacted

3. Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

What
description
must
contain

(1) A description shall contain,

- (a) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings, if any;
- (b) structural plans of the buildings, if any;
- (c) diagrams showing the boundaries, shape and dimensions of each unit and the approximate location of each unit in relation to other units and buildings;
- (d) a certificate of a surveyor that all buildings have been constructed substantially in accordance with the structural plans and that the diagrams of the units are substantially accurate; and
- (e) a description of any interests appurtenant to the land that are included in the property, prepared in accordance with the regulations.

s. 24b (1) (b),
re-enacted

4.—(1) Clause *b* of subsection 1 of section 24*b* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 14, is repealed and the following substituted therefor:

(b) those parts of the description showing,

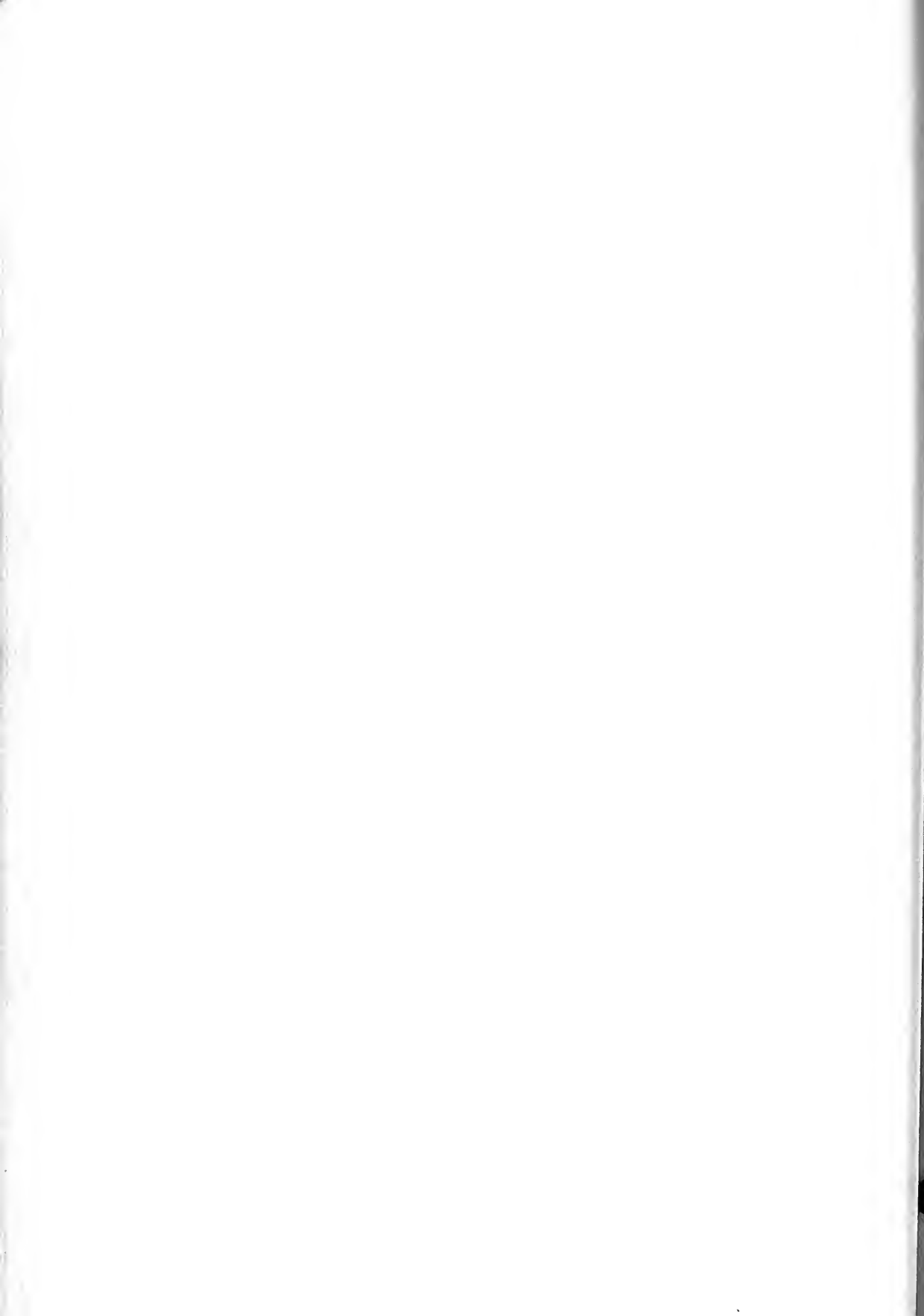
- (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
- (ii) the boundaries, shape and dimensions of the unit and the approximate location of the unit in relation to the other units and buildings, and
- (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners.

- (2) Clause *b* of subsection 2 of the said section 24*b* is repealed <sup>s. 24*b* (2) (*b*),
re-enacted</sup> and the following substituted therefor:

(*b*) those parts of the proposed description showing,

- (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
- (ii) the boundaries, shape and dimensions of the unit and the approximate location of the units in relation to the other units and buildings, and
- (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners.

5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
6. This Act may be cited as *The Condominium Amendment Act*, ^{Short title}
1977.



BILL 12

An Act to amend
The Condominium Act

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. WILDMAN

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to control
Professional Fund-raising Corporations**

MR. NEWMAN (Windsor-Walkerville)

EXPLANATORY NOTE

The Bill provides for the licensing of professional fund-raising corporations.

BILL 73

1977

An Act to control Professional Fund-raising Corporations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Commissioner of professional fund-raising corporations;
- (b) "Director" means the Director of the Consumer Protection Division of the Ministry;
- (c) "Minister" means the Minister of Consumer and Commercial Relations;
- (d) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (e) "professional fund-raising corporation" means a corporation that has as its objects, the raising of money for non-profit organizations in return for remuneration of any kind and includes a sole proprietorship or partnership which raises money for non-profit organizations in return for remuneration of any kind;
- (f) "regulations" means the regulations made under this Act;
- (g) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*. R.S.O. 1970,
c. 113

COMMISSIONER

2.—(1) There shall be a Commissioner of professional fund-raising corporations who shall be appointed by the Lieutenant Governor in Council. Commis-
sioner

Powers
and duties
of Com-
missioner

(2) The Commissioner may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Director.

LICENSING

Licensing

3.—(1) No person shall engage in business as a professional fund-raising corporation unless he is licensed as a professional fund-raising corporation.

Change in
partnership

(2) Where a partnership is licensed under subsection 1, any change in the membership of the partnership shall be deemed to create a new partnership for the purpose of licensing.

Licensing,
exception

4.—(1) An applicant is entitled to a licence or renewal of a licence by the Commissioner except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations.

Conditions of
a licence

(2) A licence is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Refusal
to grant
a licence

5.—(1) Subject to section 9, the Commissioner may refuse to grant a licence to an applicant where in the Commissioner's opinion the applicant is disentitled to a licence under section 4.

(2) Subject to section 6, the Commissioner may refuse to ^{Revocation} renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under section 4 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

6.—(1) Where the Commissioner proposes to refuse to ^{Notice of proposal to refuse or revoke} grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Tribunal ^{Notice requiring hearing} if he mails or delivers, within fifteen days after the notice under section 1 is served on him, notice in writing requiring a hearing to the Commissioner and the Tribunal, and he may so require such a hearing.

(3) Where an applicant or licensee does not require a hearing ^{Powers of Commissioner where no hearing} by the Tribunal in accordance with subsection 2, the Commissioner may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant or licensee requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall ^{Powers of Tribunal where hearing} appoint a time for and hold the hearing and, on the application of the Commissioner at the hearing, may by order direct the Commissioner to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Commissioner ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Commissioner.

(5) The Tribunal may attach such terms and conditions ^{Conditions of order} to its order or to the licence as it considers proper to give effect to the purposes of this Act.

(6) The Commissioner, the applicant or licensee who has ^{Parties} required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Commissioner may ^{Voluntary cancellation} cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

(8) Where, within the time prescribed therefor or, if no ^{Continuation of licence pending renewal} time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Commissioner proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order of
Tribunal
effective, stay
R.S.O. 1970,
c. 113

(9) Notwithstanding that a licensee appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Further
applications

7. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.

Investiga-
tion of
complaints

8.—(1) Where the Commissioner receives a complaint in respect of a professional fund-raising corporation and so requests in writing, the professional fund-raising corporation shall furnish the Commissioner with such information respecting the matter complained of as the Commissioner requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Commissioner or any person designated in writing by him may at any reasonable time enter upon the business premises of the licensee to make an inspection in relation to the complaint.

Inspection

9.—(1) The Commissioner or any person designated by him in writing may at any reasonable time enter upon the business premises of the licensee to make an inspection to ensure that the provisions of this Act and the regulations relating to a licence are being complied with.

Idem

(2) Where the Commissioner has reasonable and probable grounds to believe that any person is acting as a professional fund-raising corporation while not licensed, the Commissioner or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on
inspection

10.—(1) Upon an inspection under section 8 or 9, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. ^{Admissibility of copies}

11. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. ^{Investigations by order of Minister} ^{1971, c. 49}

12.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, ^{Investigation by Director}

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for licensing under this Act, ^{R.S.C. 1970, c. C-34}

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. 49

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books,

papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. ^{Admissibility of copies}

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. ^{Appointment of experts}

13.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 8, 9, 10, 11 or 12, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, ^{Matters confidential}

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. ^{Testimony in civil suit}

14. Where, upon the report of an investigation made under subsection 1 of section 13, it appears to the Director that a person may have, ^{Report}

- (a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for licensing under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript or evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to
refrain from
dealing with
assets

15.—(1) Where,

- (a) an investigation of any person has been ordered under section 13; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,
cc. 228, 89, 53
R.S.C. 1970,
cc. B-4, W-11

Bond in
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1970,
c. 196

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under sub-section 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

REGULATION OF PROFESSIONAL FUND-RAISING CORPORATIONS

16.—(1) Every professional fund-raising corporation shall keep a record sheet in the prescribed form and proper books and accounts with respect to his business as a professional fund-raising corporation.

Books, etc.,
to be kept

(2) In addition to those records prescribed under subsection 1, every professional fund-raising corporation shall file with the Minister for each fund-raising event undertaken by the corporation a financial statement in the prescribed form showing the amount collected, the expenses of the campaign and the amount turned over to the non-profit organization for which the campaign was conducted.

Idem

17.—(1) Every professional fund-raising corporation shall maintain an account designated as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys that come into its hands in trust for other persons in connection with its business, and it shall at all times keep such moneys separate and apart from moneys belonging to itself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust.

Bank
account

(2) Where a professional fund-raising corporation holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the professional fund-raising corporation shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

Unclaimed
trust
moneys

18. Every professional fund-raising corporation shall be bonded in the form and manner as is prescribed in the regulations.

Bonding

19. No professional fund-raising corporation shall charge an amount towards overhead in relation to direct expenses greater than that amount prescribed in the regulations.

Overhead

Service **20.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

Where service deemed to be made (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining orders **21.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal (2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences **22.**—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted ^{Consent of Minister} except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be ^{Limitation} commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall ^{Idem} be commenced more than two years after the time when the subject-matter of the proceeding arose.

23. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) requiring and governing the books, accounts and records that shall be kept by licensed professional fund-raising corporations;
- (b) prescribing the form of financial statements to be filed under subsection 2 of section 16;
- (c) governing applications for a licence or renewal of a licence and prescribing terms and conditions of licences;
- (d) prescribing the fees payable upon applications for licences and renewal of licences and any other fees in connection with the administration of this Act and the regulations;
- (e) prescribing the practice and procedure upon investigations under sections 8 and 10;
- (f) prescribing forms and providing for their use;
- (g) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (h) prescribing the form and manner in which a professional fund-raising corporation shall be bonded;
- (i) prescribing the amount which may be charged towards overhead in relation to direct expenses.

24. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

25. This Act may be cited as *The Professional Fund-raising* ^{Short title} *Corporations Control Act, 1977.*



An Act to control
Professional Fund-raising Corporations

1st Reading

April 28th, 1977

2nd Reading

3rd Reading

MR. NEWMAN
(Windsor-Walkerville)

(*Private Member's Bill*)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Employment Standards Act, 1974**

MR. BOUNSALL

EXPLANATORY NOTE

The purpose of the Bill is to reduce the work week from forty-eight hours to forty hours and to require employers to pay overtime for work done in excess of forty hours per week rather than forty-four hours.

The Bill also ensures that persons employed in the growing of flowers for the retail and wholesale trade and persons performing homework will be included in these provisions under sections 17 and 25.

BILL 74

1977

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: s. 17,
re-enacted

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty in the week. Maximum
working
hours
R.S.O. 1970,
c. 221

2. Subsection 1 of section 25 of the said Act is repealed and the following substituted therefor: s. 25 (1),
re-enacted

(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty hours in any week, he shall be paid for each hour worked in excess of forty hours overtime pay at an amount not less than one and one-half times the regular rate of the employee. Overtime
pay

3. The said Act is amended by adding thereto the following section: s. 25a,
enacted

25a. Notwithstanding anything in this Act or the regulations to the contrary, for the purposes of sections 17 and 25, employee shall be deemed to include a person, Interpre-
tation

(a) employed in the growing of flowers for the retail and wholesale trade; and

(b) performing homework.

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Employment Standards Amendment Act, 1977*. Short title

An Act to amend
The Employment Standards
Act, 1974

1st Reading

April 29th, 1977

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Labour Relations Act

MR. BOUNSALL

EXPLANATORY NOTE

The purpose of the Bill is to provide that the following would become criteria for the reopening of a contract during its lifetime:

1. The making, giving or issuing of an order, direction or notice against an employer under any Act for health or safety reasons.
2. The changing or proposed changing of the production standards at the place of employment.
3. The introduction or proposed introduction of technological change at the place of employment.
4. The contracting out to other persons work which would ordinarily be carried out by employees of the employer.

BILL 75

1977

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 36,
re-enacted

36.—(1) Every collective agreement shall provide that there will be no strikes or lock-outs so long as the agreement continues to operate, except, Provision
against
strikes
and
lock-outs

- (a) where an order, direction or notice has been made, given or issued against the employer under any Act for health or safety reasons;
- (b) where the employer changes or proposes to change the production standards at the place of employment;
- (c) where the employer introduces or proposes to introduce technological change at the place of employment; or
- (d) where work which would ordinarily be carried out by employees of the employer is contracted out to other persons.

(2) If a collective agreement does not contain such a provision as mentioned in subsection 1, it shall be deemed to contain the following provision: Statutory
provision

“There shall be no strikes or lock-outs so long as this agreement continues to operate, except,

- (a) where an order, direction or notice has been made, given or issued against the employer under any Act for health or safety reasons;

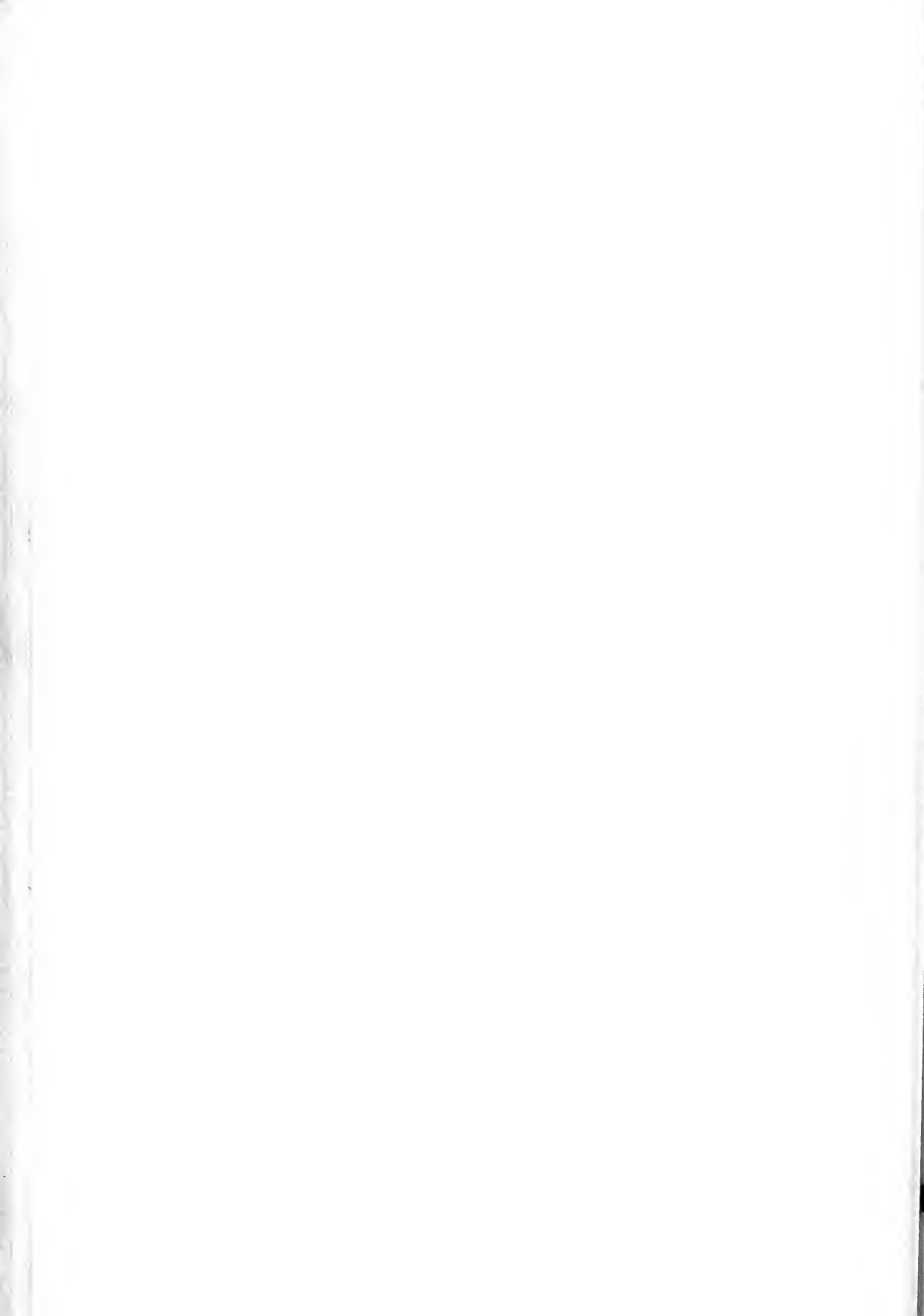
- (b) where the employer changes or proposes to change the production standards at the place of employment;
- (c) where the employer introduces or proposes to introduce technological change at the place of employment; or
- (d) where work which would ordinarily be carried out by employees of the employer is contracted out to other persons”.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Labour Relations Amendment Act, 1977*.



An Act to amend
The Labour Relations Act

1st Reading

April 29th, 1977

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to prohibit the
Use of Non-Returnable Beverage Containers**

MR. RIDDELL

EXPLANATORY NOTE

The purpose of this Bill is to prohibit the use of non-returnable beverage containers and to require sellers to make a refund on each container returned to them.

BILL 76

1977

An Act to prohibit the Use of Non-Returnable Beverage Containers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "beer" has the same meaning as in *The Liquor Licence Act, 1975*; 1975, c. 40
- (b) "beverage" means a soft drink or beer;
- (c) "beverage container" means a glass or closed metal container in which a beverage is packaged to be sold at a retail sale;
- (d) "non-returnable beverage container" means a beverage container that is sold or offered for sale on condition that it will not be returned to a retail seller for a money payment when emptied of its contents;
- (e) "retail sale" means a sale to a person for the purpose of consumption and not for resale;
- (f) "retail seller" has a corresponding meaning;
- (g) "soft drink" means a non-alcoholic carbonated liquid made of fruit juice, flavouring, sweetening, soda water, sparkling water or mineral water or any combination of any of them as the principal ingredient thereof.

2. No person shall distribute, process, manufacture or bring into Ontario a non-returnable beverage container or sell or offer to sell any beverage that is contained in a non-returnable beverage container. Use of non-
returnable
beverage
containers
prohibited

Retail seller
shall pay
refund

3.—(1) Subject to subsection 2, where a person presents to a retail seller an empty beverage container of a kind, size, and brand sold by the retail seller, the retail seller shall accept the empty container from the person and shall pay to him in cash an amount not less than,

- (a) ten cents for each beverage container that contains 350 millilitres or less of a beverage; and
- (b) twenty cents for each beverage container that contains more than 350 millilitres of a beverage.

Where
retail seller
may refuse
to accept
container

(2) A retail seller may refuse to accept a beverage container that is not intact or not in a reasonably clean condition or that is the forty-ninth or more container presented to him by the same person in a twenty-four hour period.

Retail seller
reimbursed

4. Upon the request of a retail seller, each distributor, processor or manufacturer or a person acting on behalf thereof shall collect from the retail seller the beverage containers distributed, processed, manufactured or sold by it, and shall reimburse the retail seller in full for each payment made by the retail seller under section 3.

Offence

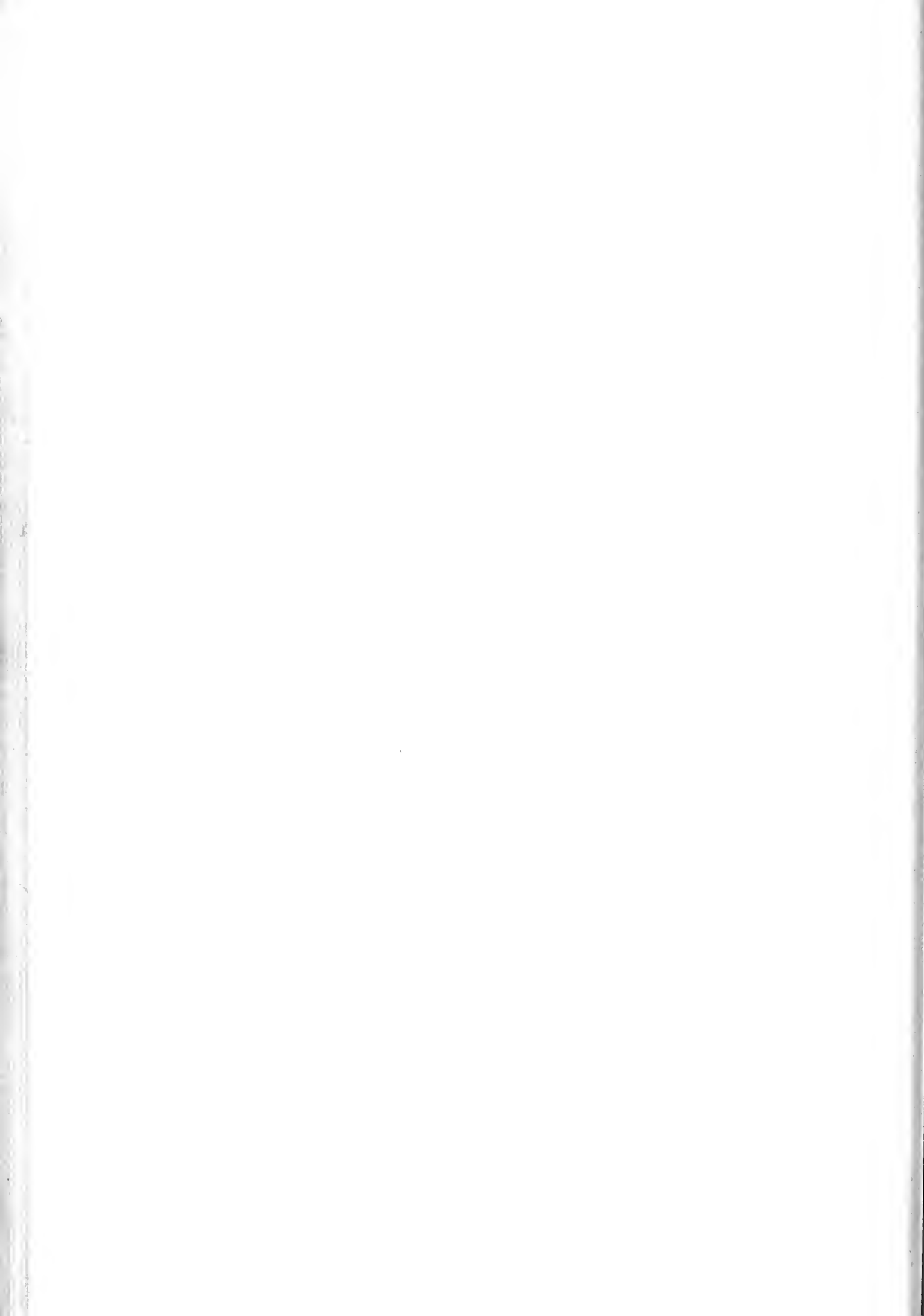
5. Every person who contravenes a provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Non-Returnable Beverage Containers Act, 1977*.



An Act to prohibit the Use
of Non-Returnable Beverage Containers

1st Reading

April 29th, 1977

2nd Reading

3rd Reading

MR. RIDDELL

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Territorial Division Act**

MR. BAIN

EXPLANATORY NOTE

This Bill transfers the townships of Black, Benoit, Melba, Bisley, Clifford, Ben Nevis and Pontiac from the District of Cochrane to the District of Timiskaming.

BILL 77

1977

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of paragraph 45 of section 1 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is further amended by striking out,
 - (a) Ben Nevis, Benoit, Bisley, Black and Pontiac in the first column; and
 - (b) Clifford and Melba in the third column in the amendment of 1974.
- (2) Clause *c* of paragraph 54 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is further amended by adding thereto Ben Nevis and Benoit in the first column, by adding thereto Bisley, Black and Melba in the second column and by adding thereto Clifford and Pontiac in the third column.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Territorial Division Amendment Act, 1977*.

s. 1,
par. 45 (b),
amended

s. 1,
par. 54 (c),
amended

Commence-
ment

Short title

An Act to amend
The Territorial Division Act

1st Reading
April 29th, 1977

2nd Reading

3rd Reading

MR. BAIN

(Private Member's Bill)

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Ontario Human Rights Code**

MR. ANGUS

EXPLANATORY NOTE

The purpose of the Bill is to prevent discrimination in employment on the basis of a physical disability.

BILL 78

1977

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code*, being chapter 318 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after “status” in the twenty-second line “a physical disability”. s. 4 (1),
amended
- (2) Subsection 2 of the said section 4 is amended by inserting after “status” in the fifth line “a physical disability”. s. 4 (2),
amended
- (3) Subsection 3 of the said section 4 is amended by inserting after “status” in the ninth line “a physical disability”. s. 4 (3),
amended
- (4) Subsection 4 of the said section 4 is repealed and the following substituted therefor: s. 4 (4),
re-enacted

(4) No person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification, or preference as to race, creed, colour, nationality, ancestry, place of origin or a physical disability or that requires an applicant for employment to furnish any information concerning race, creed, colour, nationality, ancestry, place of origin or physical disability including whether the applicant has received or is receiving workmen’s compensation benefits or has suffered a work-related injury. Application
for
employment
- (5) Subsection 5 of the said section 4 is amended by inserting after “status” in the third line “a physical disability”. s. 4 (5),
amended
- (6) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection: s. 4,
amended

Idem	(6a) The provisions of this section do not apply where the nature or extent of the physical disability, upon the written advice of a physician, would reasonably preclude the performance of the particular employment.
s. 4 (7), amended	(7) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "a physical disability".
s. 4a (1), amended	2.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "a physical disability".
s. 4a (2), amended	(2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical disability".
s. 6a, amended	3. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical disabilities".
s. 9 (a, c), amended	4. Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical disabilities".
s. 19, amended	5. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause: (ha) "physical disability" means any illness such as epilepsy, diabetes, as well as any malformation, disfigurement, paralysis, amputation requiring reliance on a remedial device, also blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment.
Commence- ment	6. This Act comes into force on the day it receives Royal Assent.
Short title	7. This Act may be cited as <i>The Ontario Human Rights Code Amendment Act, 1977</i> .



An Act to amend
The Ontario Human Rights Code

1st Reading

April 29th, 1977

2nd Reading

3rd Reading

MR. ANGUS

(Private Member's Bill)



